

TOWN OF LAKE LURE

Board of Adjustment Regular Meeting

Tuesday, June 25, 2024 □ 1:00 PM

Lake Lure Municipal Center



Agenda

I. Roll Call

II. Approval of Agenda

III. Approval of May 21 Meeting Minutes

IV. Public comments (*if any*)

V. Old Business

VI. New Business

- A. Variance Request: ZV2024013 regarding 1930 Memorial Highway request for variance from the lake front yard and side yard setbacks to allow for deck expansion. The property is zoned R-4.
- B. Variance Request: ZV2024014 regarding 500 Holmstead for a variance to exceed the maximum building height. The property is zoned R-1D.
- C. Special Use Permit: SUP2024004 regarding 2550 Memorial Highway regarding a new commercial office building. The property is zoned C-G.

VII. Adjournment



Board of Adjustment Regular Meeting

May 21, 2024

Call to order

Chairman Greg Gardner called the Board of Adjustment Regular meeting to order at 1:00

I. Roll Call

Board Members Present:

Mr. Greg Gardner, Chair

Mr. Neil Gurney, Vice-Chair

Mr. Melvin Owensby

Mr. Al Joyner

Mrs. Kimberly Sayles

Mr. David Lusk, alternate

Absent:

Mark Windfeldt, Aternate

Town Council Members and Town Representatives present:

Commissioner David DiOrio, Council Liaison

Mr. Mike Williams, Community Development Director

Rick Carpenter, Community Development

Kimberly Martin, Community Development Support

II. Approval of Agenda

The Agenda for the May 21, 2024 Board Meeting was reviewed.

Mr. Gardner asked for a motion to approve the agenda. Mr. Owensby made motion and Mr. Gurney seconded. All members voted in favor.

III. Approval of Minutes

The Minutes from the April 23, 2024 Board Meeting were Reviewed

Mr. Gardner asked for a motion to approve the minutes from the April 23, 2024 Board of Adjustment Regular Meeting. Mr. Gurney made motion and Mrs. Sayles seconded. All members voted in favor.

IV. Public Comments

There were no comments from the public

V. Old Business

No old business

VI. New Business

A. Variance Request: ZV2027008 regarding 506 Memorial Highway request for variance form the lake front yard setback for the existing, non-conforming structure. The property being zoned R-1.

Rick Carpenter and Property owner, Jenny Lail were sworn in.

Mr. Carpenter presented the following report:

Brian and Jenny Lail are seeking a variance to construct an addition onto their existing dwelling that encroaches into the lake front setback. The property is addressed as 506 Memorial Hwy. Lake Lure (Parcel #227629) and is in the Residential 1 (R-1) Zoning District.

Additional Information for the Board:

1) Per §Sec. 36-70. Building site minimum dimensional requirements. (C,) for primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.

2) The applicant has proposed building an addition that would match the current lake front setback encroachment from their dwelling.

3) The dwelling is an existing legal non-conformity that encroaches into the lake front set back.

4) Setback Requirement: 35ft, Proposed Setback: 7ft, % Reduction: 80%.

Staff Recommendation:

Staff recommends that the Board review the application and make a decision to approve if meets the conditions of §36-186 and the Board determines that the proposed structure meets all approval criteria.

Home owner, Mrs. Lail, spoke to the board and advised that this variance would be an opportunity to create a better living situation, specifically a single level living space. Mrs. Lail advised that her husband has a special needs child who has difficulty with mobility and struggles accessing the only bathroom located down stairs.

Board began deliberation.

Mr. Gurney made a motion to approve the variance as requested.

Mr. Gardner seconded the motion. All board members were in favor.

Mr. Carpenter advised that the next two requests are side by side lots and are the same applicant. They are similar and can be voted on at the same time.

Ivan Robinson, 450 Oak Creek Trail Columbus, builder for the owner was sworn in.

- B. Variance Request: ZV2024009 regarding lot 19- 0 Buffalo Shoals Rd. (south of 2107 Buffalo Shoals) for a variance to exceed the maximum building height. The property is zoned R-1.*

Additional Information for the Board:

- 1) Per §Sec. 36-70. Building site minimum dimensional requirements. Maximum building height in any district shall be not more than 35 feet as measured from the average finished grade at building foundation line. The average finished grade is determined by adding the corner of the proposed structure and divide by two
- 2) The applicant has proposed building a dwelling that has an average height of 43.85ft.
- 3) Staff do not have a slope confirmation. This would be required for permitting.
- 4) Height Requirement: 35ft, Proposed Height: 43.85ft, % Increased: 20.2%

Staff analysis:

Staff have analyzed the submitted application and supporting material. Staff have made the following determination: The lot appears steep but do not have confirmation of the actual slope. Nearby homeowners, and this developer, have constructed homes along this stretch of road and were able to meet the height requirement on steep slopes.

Staff Recommendation:

Staff recommends that the Board review the application and make a decision to approve if meets the conditions of §36-186 and the Board determines that the proposed structure meets all approval criteria.

C. Variance ZV2024010 regarding the adjacent lot 20-0 Buffalo Shoals Road (south of lot 19) for a variance to exceed the maximum building height. The property is zoned R-1.

John Robinson, builder, spoke on behalf of both projects. Mr. Robinson stated that because of the steep slope engineers have submitted plans for the house using a post or cantilever design in order to create a situation where you can see the house for aesthetics as well as stabilization on the slope.

Board began deliberation.

Mr. Gardner made a motion to approve ZV2024009 and ZV2024010 as presented. Mrs. Kimberly Sayles seconded the motion. Motion carried 4-1 with Mr. Owensby voting against.

D. Variance Request: ZV2024011 regarding 372 Charlotte Highway for variance from the minimum lake front yard and street front yard setbacks. The Property is zoned R-1

David Odom was sworn in for testimony.

Mr. Carpenter presented the following report:

David Odom is seeking a variance to demolish and re-build a deck within two setbacks. The property is addressed as 372 Charlotte Dr. Lake Lure, NC (Parcel #230224) and is in the Residential 1 (R-1) Zoning District.

Additional Information for the Board:

1) Per §Sec. 36-70. Building site minimum dimensional requirements. (C,) for primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.

2) The applicant has proposed removing and replacing the existing deck & stairs. Per the applicant's site plan, the deck is non-conforming.

3) Setback: Proposed: Lake front: 8ft Street front: 10ft, % Reduction: Lake Front: 77.14% Street Front: 71.42.

Staff Recommendation:

Staff recommends that the Board review the application and make a decision to approve if meets the conditions of §36-186 and the Board determines that the proposed structure meets all approval criteria.

David Odom spoke on behalf of the proposed project stating that the existing deck is not a safe structure and he plans to build the new deck with in the same footprint.

Board began deliberation.

Mr. Gurney made a motion to approve Variance ZV2024011 as requested. Mr. Owensby seconded the motion. All board members were in favor.

E. Variance Request: ZV2024012 regarding 417 Tryon Bay Circle for variance from code requirement that a Residential Vacation Rental use have off-street parking.

Michael O'Malley was sworn in for testimony.

Mr. Carpenter presented the following report:

Michael O' Malley is seeking a variance to utilize the public right-of-way as parking for their vacation rental. The property is addressed as 417 Tryon Bay, Lake Lure, NC (Parcel #223049) and is in Residential 1 (R-1) Zoning District.

Additional Information for the Board:

- 1) Per 36-72(1) (b) (1), Application. In order to obtain a vacation rental operating permit the owner or the operator shall submit an application for each such residential vacation rental which complies with the requirements of the town's zoning regulations and the additional requirements as found in subsection (1)c of this section and shall pay all applicable fees in accordance with the town's adopted fee schedule.
- 2) Per 36-72(1) (c)(4), A site plan showing the off-street parking area for the property. One parking space for every two rental bedrooms shall be required. Parking areas shall not encroach into any road right-of-way or neighboring private properties.
- 3) The applicant has not provided any evidence to the town that illustrates off-street parking outside of the right-of-way.
- 4) The applicant originally requested to appeal the staff determination to deny the permit. This appeal request was denied by staff, but a variance was allowed.
- 5) The applicant is asking the board to waive the parking requirement for the vacation rental.

Staff Recommendation:

Staff recommends that the Board review the application and make a decision to approve if meets the conditions of §36-186 and the Board determines that the proposed structure meets all approval criteria.

Mr. Williams presented a phone message from Mrs. Mary Ann Silvey advising that she is against approval for the variance to allow parking in the right-of-way.

Home owner, Michael O'Malley spoke to the board and advised that he purchased the property with the intent to have it be a short term vacation rental. Mr. O'Malley further stated that when it was discovered he did not have a vacation rental permit he then applied for one. It was at that time that he was informed he needed off street parking to approve the permit. Mr. O'Malley explained that it would be very expensive for him to put in off street parking and he doesn't understand why he could not just use the right-of-way. He also advised that he will have to lose the home if he cannot use it as a vacation rental.

There were discussions regarding Emergency Services not having enough room for equipment to pass if right-of-way parking was allowed.

Board began deliberation.

Mr. Gurney made a motion to reject the variance as requested. Mr. Gardner seconded that motion and all board members were in favor.

At this time Mr. Michael O'Malley spoke up and requested a temporary variance to fix the parking issue.

Mr. Gardner asked for a motion to re-open Variance Request: ZV2024012. Mr. Gurney made motion to re-open and Mr. Lusk seconded. All voted in favor

Rick Carpenter made a recommendation to approve the variance, with a time line and with the condition that Mr. O'Malley provide off street parking for the variance to remain valid.

Board began deliberation.

Director Mike Williams was sworn in and advised the board that the ordinance for a vacation rental, which is commercial use, states that off street parking must be provided.

The former vote was rescinded.

Mr. Neil Gurney made a motion to approve the variance on the condition that within 1 year, Mr. Michael O'Malley create off street parking. Mr. Greg Gardner seconded the motion. All board members were in favor.

VII. Adjournment

Mr. Gardner made a motion to adjourn at 2:17pm. Mr. Lusk seconded the motion. All board members were in favor.

Attest:

Wendy Terry, Deputy Town Clerk

Chairman, Greg Gardner



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustment
FROM: Rick Carpenter: Community Development Department
DATE: June 25, 2024
RE: ZV-2024013

Linda & Arnold Buckner are seeking a variance to keep a deck that was built within multiple setbacks without permits. The property is addressed as 1930 Memorial HWY., Lake Lure, NC (Parcel #216902) and is in the Residential 4 (R-4) Zoning District.

Additional Information for the Board:

- 1) Per §Sec. 36-70. Building site minimum dimensional requirements. (c) For primary streets, the front yard setback shall be 40 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. For secondary streets, the front yard setback shall be 35 feet from the centerline, but not closer than ten feet from any right-of-way line where such line exists. In all commercial districts, setbacks shall be measured from the right-of-way line, or where no right-of-way exists, from a point 15 feet from the centerline of the street. In most situations, the front yard lies between the building and the street. However, for lots which abut a lake, the lake side is also considered a front yard. In any zoning district, minimum setback from the lake is 35 feet measured from the shoreline.
- 2) Staff discovered the deck constructed without permits in spring of 2024. The owner/applicant surveyed the deck and discovered there were two setback encroachments.
- 3)

Setback Type	Setback Requirement	Proposed Setback	Reduction
Lake Front	35'	20'	15'
Side	10'	5'	5'

Staff Analysis:

Staff have analyzed the submitted application and supporting material. Staff have made the following determination: The lot appears steep but do not have confirmation of the actual slope. The existing dwelling is an existing legal non-conformity that encroaches into the lake front setback. According to the provided survey, alternative designs could be constructed that meet setback requirements on the opposite side of the dwelling.

Staff Recommendation is to review the application on the basis of the following criteria and make a determination to grant or deny the variance:

- 1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district?

- 2) Will granting the variance requested confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located?
- 3) Would a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located?
- 4) Will the requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare?
- 5) Are the special circumstances the result of the actions of the applicant? What are any special circumstances due to?
- 6) Is the variance requested is the minimum necessary for the proposed use of the land, building or structure?

Attachments

- 1) Application
- 2) Submitted Plans
- 3) Location Map (showing adjacent property owner who were notified of hearing)

Staff Contact

Rick Carpenter, CZO: Development & Environmental Review Specialist, 828-625-9983 ext. 107;
rcarpenter@townoflakelure.com

P. O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117, Fax 828-625-8371

TOWN OF LAKE LURE APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-2024013

Approved by Bd. of Adj: _____	Zoning Administrator
Rejected by Bd. of Adj: _____ (see attached Order)	Date: _____

Please complete both sides of form.

APPLICANT:

(Check one) Owner: Agent: _____ (If applicant is not the owner, attach authorization to act as agent)

Name: LINDA C BUCKNER ARNOLD G BUCKNER Date of Application: _____

PROPERTY:

Property located at: 1930 MEMORIAL HWY R-4

Map Page: 511 Block: 1 Lot: 76 Current zoning: R-4 Parcel/Tax PIN 216902

VARIANCE REQUESTED (check all that apply):

Min. lot area:
(Attach Attorney's Certificate of Title)
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. lot width at building site: (see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. open space:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Max. building height:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (street) yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. front (lake) yard:
(see section 36-70)
Required 35'
Reduced to 20'
Reduced by 15'

Min. side yard:
(see section 36-70)
Required 10'
Reduced to 5ft
Reduced by 5ft

Min. rear yard:
(see section 36-70)
Required _____
Reduced to _____
Reduced by _____

Min. parking spaces:
(see section 36-218)
Required _____
Reduced to _____
Reduced by _____

Max. sign number:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Max. sign height:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

Max. sign size:
(see section 36-336)
Required _____
Increased to _____
Increased by _____

VARIANCE REQUESTED (Continued - check all that apply):

Other

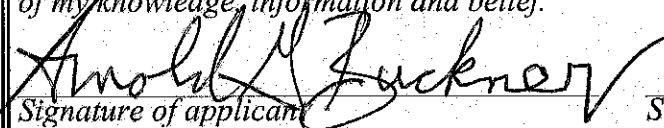
Section _____ of the zoning regulations requires: _____

Request: 5' VARIANCE FROM DECK LOWER CORNER TO PROPERTY LINE
15' VARIANCE FROM DECK TO LAKE.

JUSTIFICATION FOR VARIANCE:

TO CREATE A SAFE, LEVEL OUTDOOR SPACE ON A VERY STEEP LOT.

AS PART OF THIS APPLICATION, PLEASE COMPLETE THE ATTACHED STATEMENT OF APPLICANT.

<i>I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.</i>	
	_____
<i>Signature of applicant</i>	<i>Signature of owner if not applicant</i>
<u>1477 VIA DEL SOL</u>	_____
<i>Street or P.O.Box</i>	<i>Street or P.O.Box</i>
<u>JUPITER, FL 33477</u>	_____
<i>City, State, Zip</i>	<i>City, State, Zip</i>
<u>214-649-1884</u>	_____
<i>Daytime telephone number</i>	<i>Daytime telephone number</i>

Applications for variances, conditional use permits, and zoning appeals require at least one sign to be posted on the property not less than ten but not more than 25 days prior to the date of the hearing before the Board of Adjustment. The purpose of the sign is to identify the location of the request for the benefit of neighbors and members of the board. The Town will post this sign during the appropriate time period; please ensure it remains posted until after the hearing.

Signs must be removed within 24 hours after the Board of Adjustment has made a decision on the application.

STATEMENT OF APPLICANT

According to section 36-186 of the Zoning Regulations, the Board of Adjustment shall vary the regulations when unnecessary hardships would result from carrying out the strict letter of the regulations upon making certain findings. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its location, size, or topography that are not applicable to other lands or structures in the same district. These conditions are:

TOPOGRAPHY IS EXTREMELY STEEP... THUS CREATING THE NEED FOR A SAFE OUTDOOR AREA ON THE SAME LEVEL AS THE HOUSE. BECAUSE OF THE SLANTED LOT LINE, ONLY ONE CORNER OF THE PROPOSED DECK IS NON-COMPLIANT WITH THE 10' SIDE SETBACK.

Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because:

MANY OF THE NEARBY HOMES ALREADY HAVE SIMILAR DECKS.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because:

IN OUR COVE ALL THE OLD HOUSES ARE BUILT VERY CLOSE TO THE LAKE. OVER TIME, ESSENTIALLY ALL HAVE EXPANDED THEIR LEVEL OUTDOOR LIVING SPACE. TWO HOUSES FROM US (1942 MEMORIAL HWY) IS ACTUALLY BUILT ON PVLONS IN THE LAKE. WE ARE REQUESTING A 20' SETBACK FROM THE LAKE RATHER THAN THE 35' REQUIRED TODAY.

The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare because:

ONLY OUR NEIGHBORS AT 1930 MEMORIAL HWY WILL BE ABLE TO SEE THIS DECK. THEY HAVE SEEN THE PROPOSED STRUCTURE AND APPROVE WITHOUT RESERVATION.

The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

STEEP AND UNEVEN TOPOGRAPHY.

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

Arnold A. Duckner
Signature of Applicant

5/20/24
Date

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the regulations.

Zoning Variance Application Checklist

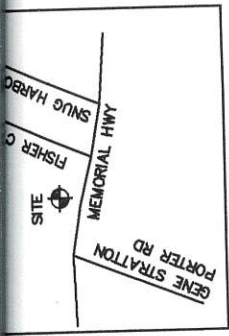
Application is not complete until all of the following items have been submitted:

- Completed application
- Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
- Site plan, drawn to scale on either a survey or plat, clearly showing the following:
 - location of property lines
 - existing structures
 - proposed development
 - all setbacks in relation to property lines and development
 - area the variance will be affecting
 - any and all areas of environmental concern (wetlands, trout waters, etc.)
- Building plans, drawn to scale, showing the existing and proposed development
- Directions to property from Town Hall

under my supervision (see description recorded in Deed Book 1158, Page 285); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 25th day of March A.D. 2024.

DocuSigned by:

Signature Donald McEntire
 43E4A438E0E6 SURVEYOR
 Licensure Number L-4183



VICINITY MAP
 (not to scale)

REFERENCE BEARING

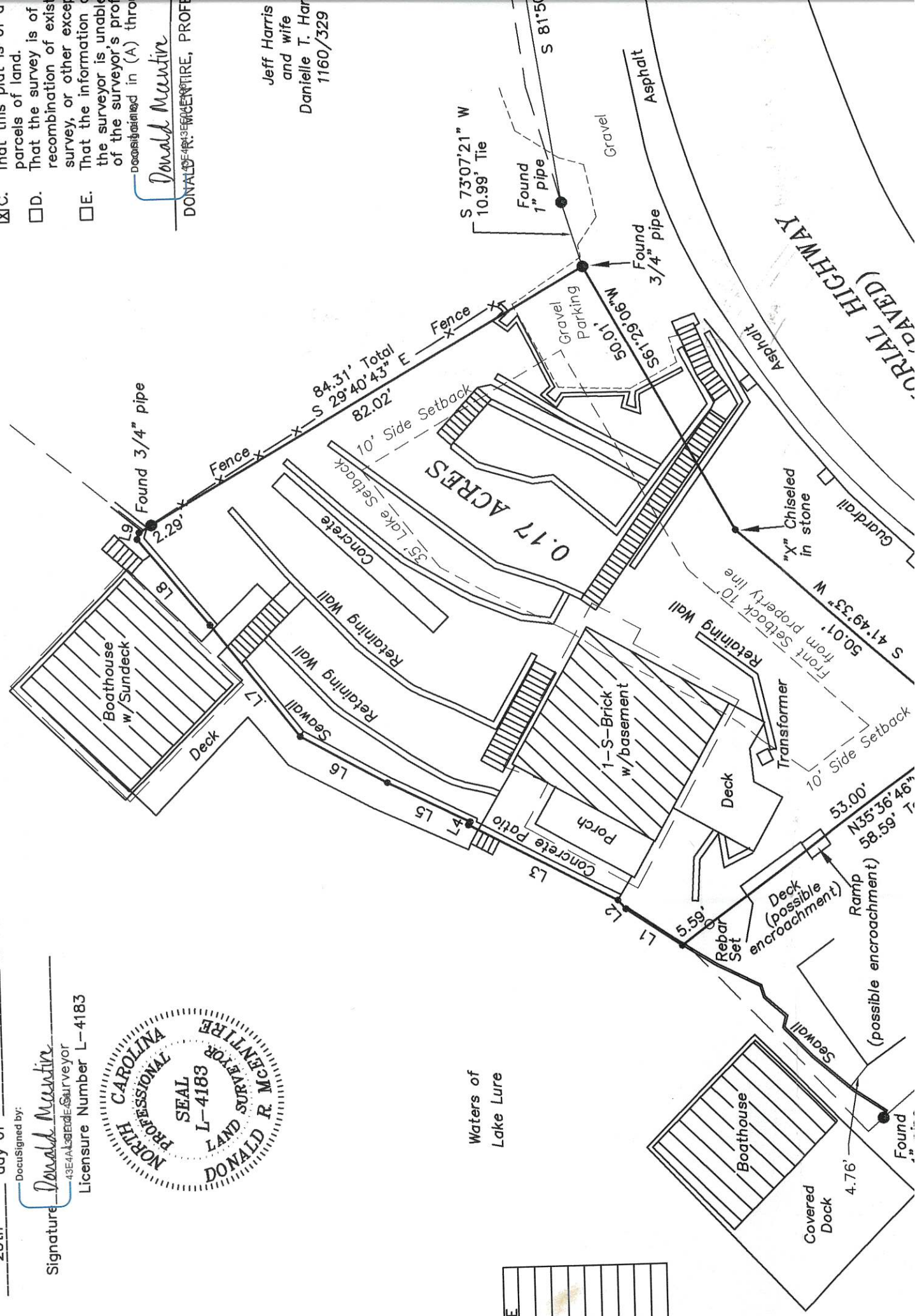
LINE	BEARING	DISTANCE
L1	N 34°11'56" E	11.01'
L2	N 48°54'53" E	1.95'
L3	N 28°05'02" E	27.28'
L4	S 59°58'22" E	0.60'
L5	N 27°02'22" E	14.90'
L6	N 29°31'23" E	16.09'
L7	N 52°35'39" E	23.32'
L8	N 51°14'53" E	18.37'
L9	S 72°27'57" E	1.14'

- A. That this plat is of a
- B. That the survey is local
- C. That this plat is of a
- D. That the survey is of
- E. That the information of

documented in (A) thro

Donald McEntire
 DONALD R. MCENTIRE, PROFESSIONAL LAND SURVEYOR

Jeff Harris
 and wife
 Danielle T. Harris
 1160/329



Waters of
 Lake Lure

Waters of
 Lake Lure

ASPHALT HIGHWAY
 (GRAVEL)

Waters of
 Lake Lure

Michael Williams

From: James Mullen <sogoto@att.net>
Sent: Thursday, June 20, 2024 5:01 PM
To: Michael Williams
Subject: Fw: Lake Lure

----- Forwarded Message -----

From: James Mullen <sogoto@att.net>
To: SlvrLinings@aol.com <slvrlinings@aol.com>; Steven Mullen <mullenconst@bellsouth.net>; Mark Mullen <jmarkmullen10@gmail.com>
Sent: Thursday, June 20, 2024 at 03:17:38 PM EDT
Subject: Lake Lure

To: Mike Williams
mwilliams@townoflakelure.com

Re: Zoning variance application section 36-108
for property @ 1930 Memorial Highway
Parcel number 216902

File #ZV-2024013

Dear Sir,

Due to a scheduled eye surgery on Tuesday, June 25th, I will be unable to attend the hearing concerning the petition for a variance of a setback for the adjacent property owned by Linda and Arnold Buckner. I give my total consent for the completion of the Buckner's deck without restriction. I understand the need for the variance due to the sloping topography of their lot and prevention of unnecessary hardship.

Please contact me me by phone, email, or text if any problematic issues occur at the hearing.

Thank you,
Linda L. Mullen
116 Wendover Court
Spartanburg, SC 29302

sogoto@att.net
864-582-8898 home
864-216-1399 cell/text

1940 Memorial Highway (Lake Lure)



TOWN OF LAKE LURE
Community Development Department

MEMORANDUM

TO: Board of Adjustment
FROM: Rick Carpenter: Community Development Department
DATE: June 25, 2024
RE: ZV-2024014

Terry Baker is seeking a variance to construct a dwelling that exceeds the town height requirement. The property is addressed as 500 Holmstead Drive, Lake Lure, NC (Parcel #1644645) and is in the Residential 1-D (R-1D) Zoning District.

Additional Information for the Board:

- 1) Per §Sec. 36-70. Building site minimum dimensional requirements. Maximum building height in any district shall be not more than 35 feet as measured from the average finished grade at building foundation line. The average finished grade is determined by adding the elevation of the highest corner of the proposed structure to the elevation of the lowest corner of the proposed structure and divide by two.
- 2) During the permitting process, staff determined that the average height for the proposed structure was not compliant.
- 3) The applicant is seeking a 6' height increase for the single-family dwelling.
- 4)

Average Height Requirement	Proposed Average Height	Increase
35'	42.15'	7.15'

Staff Analysis:

Staff have analyzed the submitted application and supporting material. Staff have made the following determination: The lot is considered steep and has an average slope of 37%. Staff and the applicant have not explored possible alternative designs. The proposed high side of the dwelling is 56.1', with a low side of 28.2'.

Staff Recommendation is to review the application on the basis of the following criteria and make a determination to grant or deny the variance:

- 1) Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district?
- 2) Will granting the variance requested confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located?

- 3) Would a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located?
- 4) Will the requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare?
- 5) Are the special circumstances the result of the actions of the applicant? What are any special circumstances due to?
- 6) Is the variance requested is the minimum necessary for the proposed use of the land, building or structure?

Attachments

- 1) Application
- 2) Submitted Plans
- 3) Location Map (showing adjacent property owner who were notified of hearing)

Staff Contact

Rick Carpenter, CZO: Development & Environmental Review Specialist, 828-625-9983 ext. 107;
rcarpenter@townoflakelure.com

P. O. Box 255, Lake Lure, NC 28746 ❖ Phone 828-625-9983, Ext. 117, Fax 828-625-8371

TOWN OF LAKE LURE
APPLICATION FOR ZONING VARIANCE

Application Fee: \$480.00

Case No. ZV-

Approved by Bd. of Adj: _____
Zoning Administrator
Rejected by Bd. of Adj: _____ Date: _____
(see attached Order)

Please complete both sides of form.

APPLICANT:

(Check one) Owner: _____ Agent: [checked] (If applicant is not the owner, attach authorization to act as agent)

Name: TERRY BAKER Date of Application: 5/23/2024

PROPERTY:

Property located at: 500 HOLMSTEAD DRIVE, LAKE LURE

Map Page: 528 Block: 17 Lot: 44 Current zoning: SFR Parcel/Tax PIN 1644645

VARIANCE REQUESTED (check all that apply):

- Min. lot area: (Attach Attorney's Certificate of Title) Required Reduced by
Min. front (street) yard: Required Reduced to Reduced by
Min. parking spaces: Required Reduced to Reduced by
Min. lot width at building site: Required Reduced to Reduced by
Min. front (lake) yard: Required Reduced to Reduced by
Max. sign number: Required Increased to Increased by
Min. open space: Required Reduced to Reduced by
Min. side yard: Required Reduced to Reduced by
Max. sign height: Required Increased to Increased by
Max. building height: [checked] Required 35' Reduced to 42.15' Reduced by 7.15'
Min. rear yard: Required Reduced to Reduced by
Max. sign size: Required Increased to Increased by

VARIANCE REQUESTED (Continued - check all that apply):

Other

Section _____ of the zoning regulations requires: _____

Request: _____

JUSTIFICATION FOR VARIANCE:

Total average height of the livable space is 31.25'. But due to the existing site condition/
slope on site, retaining wall and partial crawl space is required to be able to build the
house.

AS PART OF THIS APPLICATION, PLEASE COMPLETE THE ATTACHED STATEMENT OF APPLICANT.

I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.

Terry A Baker

Signature of applicant

G475 BREVARD RD.

Street or P.O.Box

ETOWAH, NC 28729

City, State, Zip

828-890-3507

Daytime telephone number

Bevan S. Harms

Signature of owner if not applicant

1663 WEST MCNAB RD.,

Street or P.O.Box

POMPANO BEACH, FL 33069

City, State, Zip

954-647-5224

Daytime telephone number

Applications for variances, conditional use permits, and zoning appeals require at least one sign to be posted on the property not less than ten but not more than 25 days prior to the date of the hearing before the Board of Adjustment. The purpose of the sign is to identify the location of the request for the benefit of neighbors and members of the board. The Town will post this sign during the appropriate time period; please ensure it remains posted until after the hearing.

Signs must be removed within 24 hours after the Board of Adjustment has made a decision on the application.

STATEMENT OF APPLICANT

According to section 36-186 of the Zoning Regulations, the Board of Adjustment shall vary the regulations when unnecessary hardships would result from carrying out the strict letter of the regulations upon making certain findings. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, to the best of the applicant's ability and knowledge.

There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its location, size, or topography that are not applicable to other lands or structures in the same district. These conditions are:

The existing slope is too steep and in order to build a house is to install a retaining wall and partial crawl space.

Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located because:

The average building height considering the livable space is within the required and permissible height which is 31.25'.

A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located because: it will be impossible to build a house with the current topographical condition of the site.

The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare because:

The requested additional allowable height is not adding livable space nor adding it above the Main Level Floor Elevation.

The requested additional allowable height is for the footing/foundation of the proposed residence.

The special circumstances are not the result of the actions of the applicant. The special circumstances are due to:

the current topographical condition of the site.

A nonconforming use of neighboring land, structures or buildings in the same district, and permitted uses of land, structures or buildings in other districts, is not grounds for the issuance of this variance.

Terry A Baker
Terry A Baker May 10, 2024 09:36 EDT

Signature of Applicant

05/10/24

Date

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the Zoning Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the regulations.

Zoning Variance Application Checklist

Application is not complete until all of the following items have been submitted:

- Completed application
- Application fee, including the amount required to send certified notice of public hearing to all adjacent property owners
- Site plan, drawn to scale on either a survey or plat, clearly showing the following:
 - location of property lines
 - existing structures
 - proposed development
 - all setbacks in relation to property lines and development
 - area the variance will be affecting
 - N/A any and all areas of environmental concern (wetlands, trout waters, etc.)
- Building plans, drawn to scale, showing the existing and proposed development
- Directions to property from Town Hall

Signature:



Email: bevanharms@aol.com

500 Holmstead Dr LOCATION MAP



Boys Camp, Left on Old Sand Branch Rd (just before Lake Lure Village entrance), right on Holmstead, left at first "road" (only 125' of road, fenced enclosure at left end of road, site behind the enclosure, X marks the location on map above).

Mag Nail Set
 N-632829.49'
 E-1047376.82'
 Elev-1141.65'

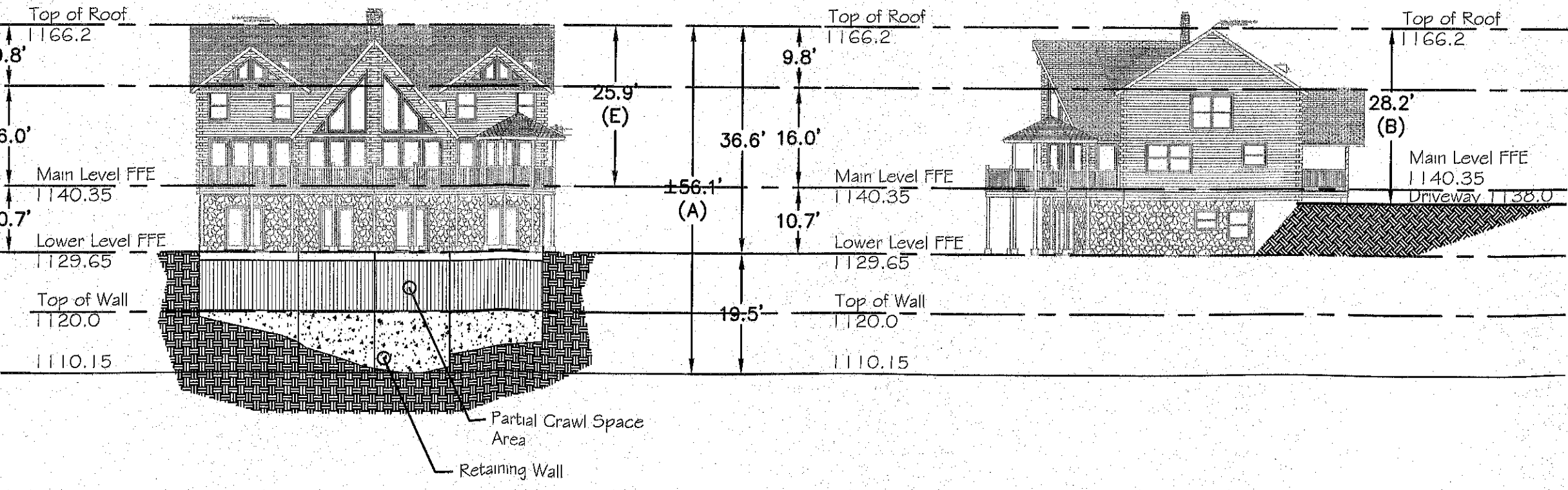
37

Howard
 D.B. 1107, Pg.630
 P.B. 28, Pg. 342
 P.B. 27, Pg. 190

POA, Inc.
 Pg. 490
 342

HOLMSTEAD DRIVE

FOR VARIANCE FOR
 AVERAGE HEIGHT OF THE
 BUILDING. PLEASE REFER TO
 THE BUILDING ELEVATION.



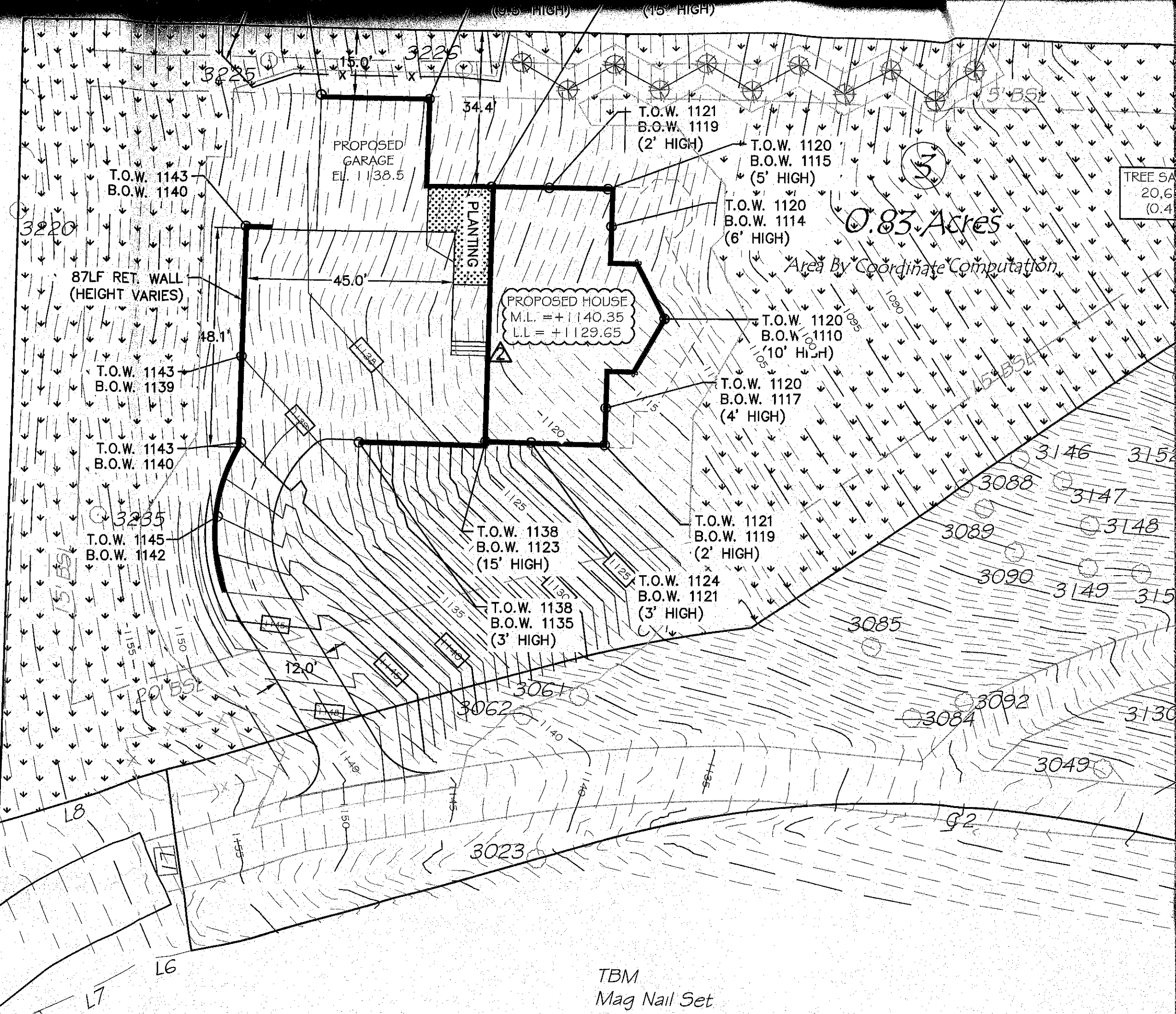
AVERAGE BUILDING HEIGHT COMPUTATION	
HIGHEST ELEVATION (A) (INCLUDING RETAINING WALL AND CRAWL SPACE)	= 56.1'
LOWEST ELEVATION (B) (FROM DRIVE WAY TO TOP OF ROOF)	= 28.1'
AVERAGE HEIGHT = $\frac{(A) + (B)}{2}$	
$\frac{56.1' + 28.2'}{2} = \frac{84.3'}{2}$	= 42.15'
TOTAL AVERAGE HEIGHT = 42.1'	(INCLUDING UNLIVABLE SPACE SUCH AS RETAINING WALL AND CRAWL SPACE)
TOTAL AVERAGE HEIGHT = 31.25'	(LIVABLE SPACE ONLY)
$\frac{(D) + (E)}{2} = \frac{36.6' + 25.9'}{2}$	= 31.25'

...NCING SHOULD BE ERECTED
 DELIVERIES, AND OTHER
 ACTIVITIES BEGIN ON SITE. REFER
 TO CONSTRUCTION SEQUENCE
 INFORMATION.

...EES WITHIN THE DISTURBED
 ...G WALLS, HOUSE, DRIVEWAY,
 ...AND SEED DISTURBED AREAS.
 ...REMOVING SILT FENCE.
 ...CTION ZONE FENCES.
 ...KE LURE/COUNTY UPON
 ...ECT FOR FINAL INSPECTION

END-

...AVED SHALL BE
 ...USTRATED.
 ...E AT TREE DRIP
 ...D AREA, AS
 ...MMENCEMENT OF
 ...SIGNS A MINIMUM
 ...SIZE OF EACH
 ...x 2' AND BE
 ...HE FENCE. THE
 ...WING LANGUAGE
 ...OUT".
 ...F MATERIAL
 ...TREE
 ...BE MAINTAINED
 ...THE PROJECT.



TBM
 Mag Nail Set

3061	3" WHITE
3062	10" POPLAR
3084	6" MAPLE
3085	6" MAPLE
3088	6" POPLAR
3089	6" POPLAR
3090	12" POPLAR
3092	10" POPLAR
3116	8" POPLAR
3117	8" / 6" POPLAR
3118	6" POPLAR
3119	6" POPLAR
3120	6" LOCUST
3121	6" MAPLE
3123	10" / 8" POPLAR
3124	8" MAPLE / 6" POPLAR
3125	8" PINE
3128	6" PINE
3129	12" MAPLE
3130	8" HICKORY
3131	6" PINE
3132	6" POPLAR
3133	12" / 6" POPLAR
3134	8" POPLAR
3135	8" POPLAR
3136	8" POPLAR
3137	8" POPLAR
3139	10" POPLAR
3140	32" OAK
3141	16" OAK
3142	16" POPLAR
3146	6" POPLAR
3147	6" POPLAR
3148	16" POPLAR
3149	6" MAPLE
3150	6" POPLAR
3151	12" LOCUST
3152	14" POPLAR
3153	6" LOCUST
3154	6" LOCUST
3155	6" POPLAR
3156	14" POPLAR
3159	12" POPLAR
3169	6" POPLAR
3170	6" LOCUST
3171	6" POPLAR
3172	10" POPLAR
3173	16" MAPLE
3175	10" MAPLE
3176	16" HEMLOCK
3216	12" OAK
3217	16" OAK
3218	2-10" MAPLES
3219	8" OAK
3220	18" OAK
3221	12" SOURWOOD
3222	20" OAK
3223	22" OAK
3224	14" OAK
3225	8" POPLAR
3226	22" OAK
3227	20" OAK (DEAD)
3228	14" OAK
3229	18" OAK
3230	20" OAK
3231	8" OAK
3232	24" OAK
3233	24" OAK
3234	8" POPLAR
3235	24" OAK

TOTAL NUMBER OF TREES TO BE RETAINED/SAVE = 13 TREES (28%)

TOTAL NUMBER OF TREES TO BE REMOVED = 13 TREES (72%)

DISTURBED AREA = 0.31 AC (37%)

TOTAL TREE SAVED/NATURAL AREA = 0.52 AC (63%)

PRE-LAND CLEARING SIGNIFICANT TREE DENSITY = 18 PER ACRE

POST LAND CLEARING SIGNIFICANT TREE DENSITY (0.90 X 18) = 16 PER ACRE (REQUIRED)

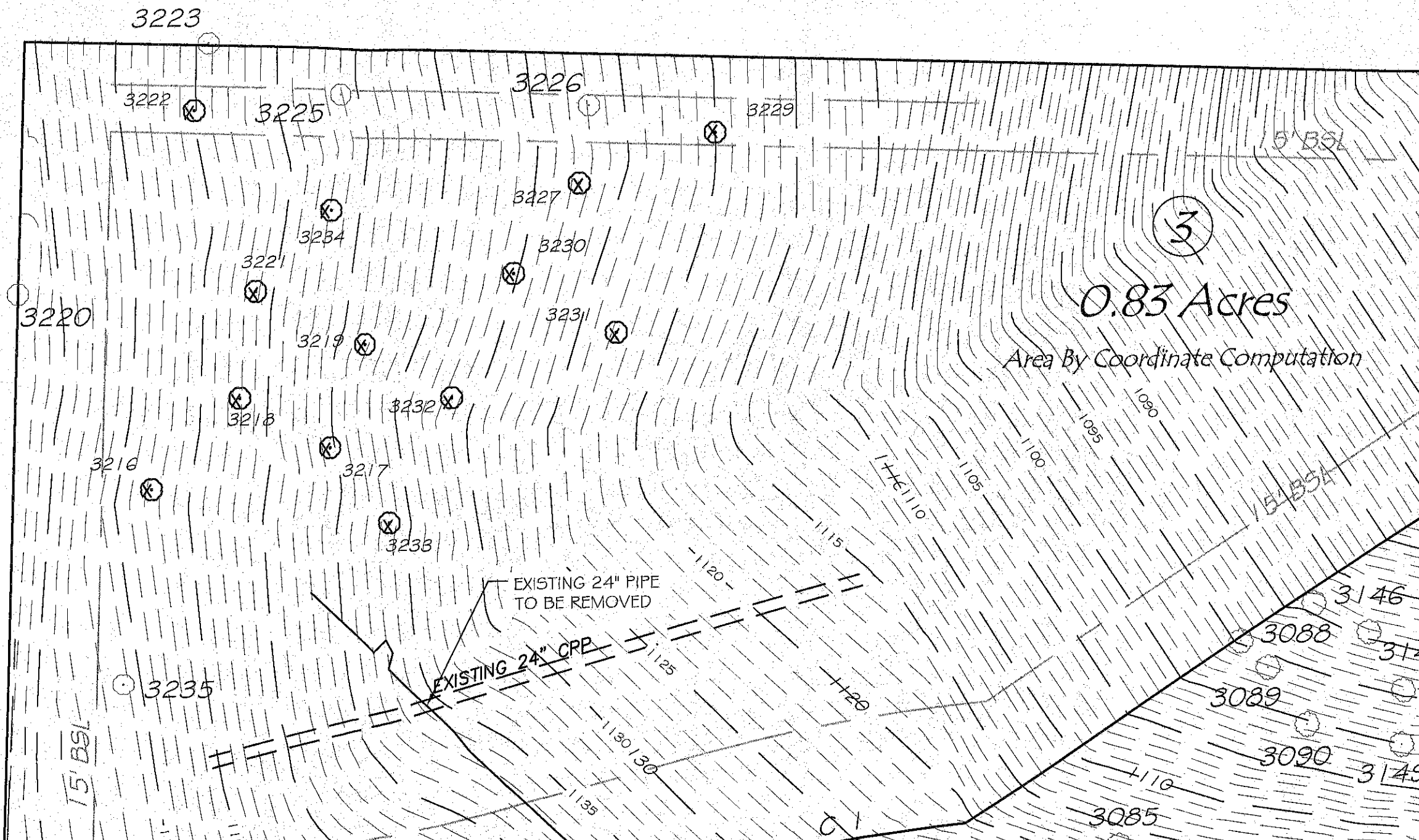
NOTE:
OWNER TO REPLANT 11 TREES WITHIN THE PROPERTY.

PROPOSED IMPERVIOUS AREA = 0.137 AC

EXISTING SLOPE

H1 = ELEV. 1160
H2 = ELEV. 1055
D = 281 LF

$((H1-H2)/D)*100$
 $((1074-1000)/281)*100$
 $(105/281)*100$
 37%



TOWN OF LAKE LURE APPLICATION FOR SPECIAL USE PERMIT

Fee: \$410

SUP- 2024004

Approved by Board of Adjustment: _____	_____
Rejected by Board of Adjustment: _____	Community Development Director
(see attached Order)	Date: _____

Please complete all three pages of application form

APPLICANT:

(Check one) Owner: Agent: _____ (If applicant is not the owner, attach authorization to act as agent)

Name: KML INVESTMENTS, LLC Date of Application: _____

PROPERTY

Property located at: 2550 MEMORIAL HIGHWAY, LAKE LURE, NC

Parcel/Tax PIN#: 0632979269 Current zoning: GC

SPECIAL USE REQUESTED:

(Use the terms that are found in the zoning regulations. If the terms are not clear as they pertain to your application, add a statement describing your intended use.)

Use Requested: CONSTRUCTION OF 42' X 70' COMMERCIAL BUILDING (OFFICE & STORAGE)

Clarification: _____

ON-SLAB METAL OFFICE & STORAGE BUILDING

WITH COMPLIANT EXTERIOR SHEETING & STONE VENEER.

MATCHING EXISTING "OUTREACH" BUILDING.

FINDINGS OF FACT: The Board of Adjustment is required to make certain findings of fact. To assist the board in their deliberations, the applicant is required to submit the following statements of fact, the best of the applicant's ability and knowledge. You may reference §92.045-047 in the Town's Zoning Ordinance for general application requirements.

Additional requirements may be required for specific special uses. Please do not leave these blank: the applicant is required to submit information specific to the request describing how the proposed use will meet each finding. In the case of applicant's failure to complete the six Findings of Fact, the application will be deemed incomplete and rejected.

1. The application is complete. Yes No

2. **Public Safety.** The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: automotive ingress and egress, traffic flow, traffic control, pedestrian and bicycle ways, lake use and fire suppression. (See attached plans, if applicable)

EXISTING ENTRANCE/EGRESS W/ MEMORIAL HIGHWAY;
FIRE HYDRANT; PARKING.

3. **Public Health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: water supply, water distribution, sewer collection, and sewer treatment. (See attached plans, if applicable)

TOWN WATER AND SEWER (SEWER CONNECTION APPLICATION FILED 11/20/07)

4. **Protection of Property Values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: lighting, noise, odor, and landscaping. (See attached plans, if applicable)

EXISTING POLE LIGHTING

5. **Standards and Requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: parking spaces, loading zones, sign design, and street design. (See attached plans, if applicable)

ALL PROVIDED FOR.

6. **Comprehensive Plan and Neighborhood Character.** The location and character of the proposed use and structures will be in harmony with the neighborhood character and in general conformity with the applicable elements of the Land Use Plan and other officially adopted plans of the Town of Lake Lure, if developed according to the application as submitted. And, satisfactory provision and arrangement has been made for at least the following where applicable: site layout and treatment, building design, relationship of building(s) to site, and harmony of buildings and uses with neighborhood character.

NEAR DUPLICATE OF ADJACENT HNG OUTREACH BUILDING INCLUDING EXTERIOR SHEETING, FASCIAE, AND COLORS.

I certify that all of the information represented by me in this application is accurate to the best of my knowledge, information and belief.

<i>Signature of applicant</i>	<i>Signature of owner (if not applicant)</i>
<i>Street or P.O. Box</i>	<i>Street or P.O. Box</i>
<i>City, State, Zip</i>	<i>City, State, Zip</i>
<i>Daytime telephone number</i>	<i>Daytime telephone number</i>

Signature of applicant: *GW*
 Signature of owner (if not applicant):
 Street or P.O. Box: P.O. Box 10043
 Street or P.O. Box:
 City, State, Zip: FLEMING ISLAND, FL 32006
 City, State, Zip:
 Daytime telephone number: 828-652-2019
 Daytime telephone number:

Staff Report to Board of Adjustments

Re: SUP2024004 (Commercial Office building with interior storage space)
2550 Memorial Hwy

Date: 6/25/24

On June 6, 2024, George Wittmer submitted a special use application package, on behalf of KML Investments, LLC, for a 2,940 square foot commercial office building to be located at 2550 Memorial Highway. The application package included the SUP application, permit review fee, site plan and initial rendering of the building. It was followed up with building plans prepared and designed by The American Woodlands Design Studio, email communication from public works and NC DEQ deeming the engineered sewer connection proposal permitted and allowed under the current moratorium, and copy of the NC DOT submitted driveway application.

- The applicant has stated, and presented, that the building appearance will be coordinated with that of the adjacent office building at 2556 Memorial Highway (also owned by the applicant). Staff's opinion is that the site plan meets the Commercial General ordinance permitted use requirements, including the setbacks, other than the question of whether the applicant's preference to have metal siding on the rear of the building would meet section 36-233, "Fabric and Metal Structures" ordinance.
- Zoning and Planning Board reviewed the application and plans at their June meeting and recommended that the proposed site treatment, building design, relationship of building to site, harmony of buildings and uses with neighborhood character, signs, lights are reasonable and should meet the requirements for a commercial building in the Community General zoning, based on the final issuance of the sewer and driveway permits. They had discussion of whether the plan to have metal siding on the rear of the building would meet the "Fabric and Metal Structures" requirements due to question of "visibility from adjoining residential property". The rear adjoining property is also owned by the applicant and is registered with a conservation easement.
- In review with Development Review Committee members, the sewer connection has been deemed appropriate; the driveway application process was addressed and is awaiting final approval from DOT; the safety, accessibility, utilities and site layout have been reviewed and appear to meet requirements. It was noted that due to the less than 3,000 sq ft building size, a sprinkler system is not required by fire code.
- The building proposal is consistent with the Town's Comprehensive Plan for the location and Commercial General district.

Page 1 of 2
Copy

Doc ID: 002972590002 Type: CRP
Recorded: 09/17/2008 at 04:11:05 PM
Fee Amt: \$557.00 Page 1 of 2
Excise Tax: \$540.00
Instr# 200800003319
Rutherford County, NC
Faye H. Huskey Register of Deeds
BK 968 PG 563-564

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$540.00

Parcel Identifier No. 1643348 & 1643350 Verified by _____ County on the _____ day of _____, 2007
By: _____

Mail/Box to: P0 Box 200 Lake Lure, NC 28746
This instrument was prepared by: Timothy Padgett

Brief description for the Index: Harris Road, Lake Lure

THIS DEED made this 15 day of ~~August~~ Sept., 2008 by and between

GRANTOR	GRANTEE
CAROLINA MOUNTAIN LAND CONSERVANCY, INC. PO Box 2822 Hendersonville, NC 28739	HAYNES HILL ESTATES, LLC A North Carolina Limited Liability Company 625 Oak Street Green Cove Springs, FL 32043

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Lake Lure, Chimney Rock Township, Rutherford County, North Carolina and more particularly described as follows:

The following parcels described in Plat Book 2 Page 1, Rutherford County Registry and BEING

PARCEL ONE Being all of Block 3 Lots 48, 49, 50, 51 and 52 containing 3.22 acres, more or less, which parcels are collectively designated with tax parcel identification number 1643348. As shown on Survey recorded in Plat Book 29 at Page 170 as 2 parcels containing 1.94 acres and 1.28 Acres.

SUBJECT TO Deed of Conservation Easement, following document, as a permanent, perpetual conservation easement.
Subject to any rights of way, easements and restrictive covenants of record.

PARCEL TWO Being all of Block 3 Lots 31, 32, 33, 34 containing 1.22 acres, more or less, which parcels are collectively designated with tax parcel identification number 1643350.

Subject to any rights of way, easements and restrictive covenants of record.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 950, Page 486
A map showing the above described property is recorded in Tax Map 3 2 1

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto
belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to
convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will
warrant and defend the title against the lawful claims of all persons whomsoever, other than the following
exceptions:

IN TESTIMONY WHEREOF, the corporate party of the first part has hereunto caused this deed to be executed in
its name by its undersigned officer and its corporate seal to be affixed and attested by its corporate secretary, all by
authority of its Board of Directors, the day and year first written above.

Carolina Mountain Land Conservancy
(Entity Name)

By: Robert J. Wald
Robert J. Wald
Title: President

Attest (Corporate Seal)



By: Kieran Roe
Kieran Roe
Title: Assistant Corporate Secretary

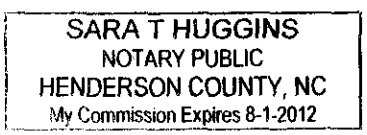
State of North Carolina - County of Rutherford

I, the undersigned Notary Public of the County and State aforesaid, certify that **Kieran Roe**
personally came before me this day and acknowledged that he is the Assistant Corporate
Secretary of Carolina Mountain Land Conservancy, a North Carolina corporation, and that
by authority duly given and as the act of the corporation, the foregoing instrument was signed in
its name by its President, sealed with its corporate seal and attested by Kieran Roe as its Corporate
Secretary. Witness my hand and Notarial stamp or seal, 15th this day of August Sept, 2008.

My Commission Expires:

Sara T Huggins
Notary Public

STAMP





PROPOSED STORAGE/ OFFICE 2550 MEMORIAL HWY KML INVESTMENTS RUTHERFORD County LAKE LURE, NC



GENERAL NOTES:

THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

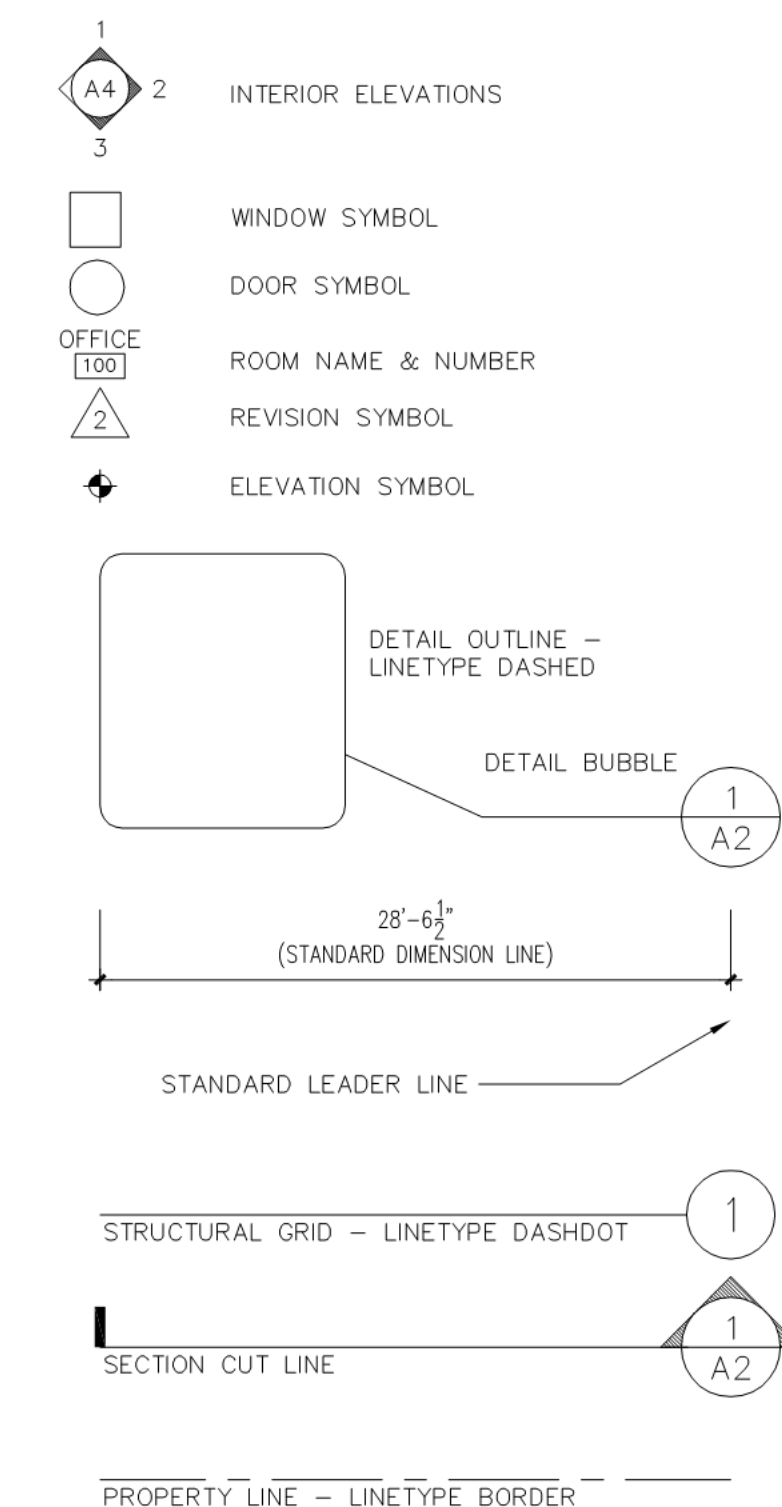
WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

SMOKE AND CARBON DETECTORS TO BE HARD WIRED TO INDIVIDUAL CIRCUIT AND TO TRIGGER HVAC DAMPERS

BUILDING PLANS ARE PREPARED AND DESIGNED FOR A PREMFG METAL BUILDING STRUCTURE.



SYMBOLS LEGEND



SCHEDULE OF DRAWINGS

COV.....	COVER PAGE
AB.1.....	APPENDIX B
A1.1.....	FLOOR PLAN/ ACCESSIBILITY DETAILS
A1.2.....	FOUNDATION PLAN
A2.1.....	LIFE SAFETY/ ACCESSIBILITY PLAN
A3.1.....	EXTERIOR ELEVATIONS, SECTION
A4.1.....	ELECTRICAL, PLUMBING, HVAC
C1.1.....	SITE LAYOUT



REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

PROPOSED STORAGE/
OFFICE
2550 MEMORIAL HWY
KML INVESTMENTS
RUTHERFORD County
LAKE LURE, NC

COVER PAGE

The American Woodlands
Design Studio
John Pinkston
828-290-0969
www.americanwoodlands.com

DATE:

6/14/2024

SCALE:

SHEET:

COV

REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

PROPOSED STORAGE/OFFICE
 2550 MEMORIAL HWY
 KML INVESTMENTS
 RUTHERFORD COUNTY
 LAKE LURE, NC

FLOOR PLAN

The American Woodlands
 Design Studio
 John Pinkston
 828-290-0969
 www.americanwoodlands.com

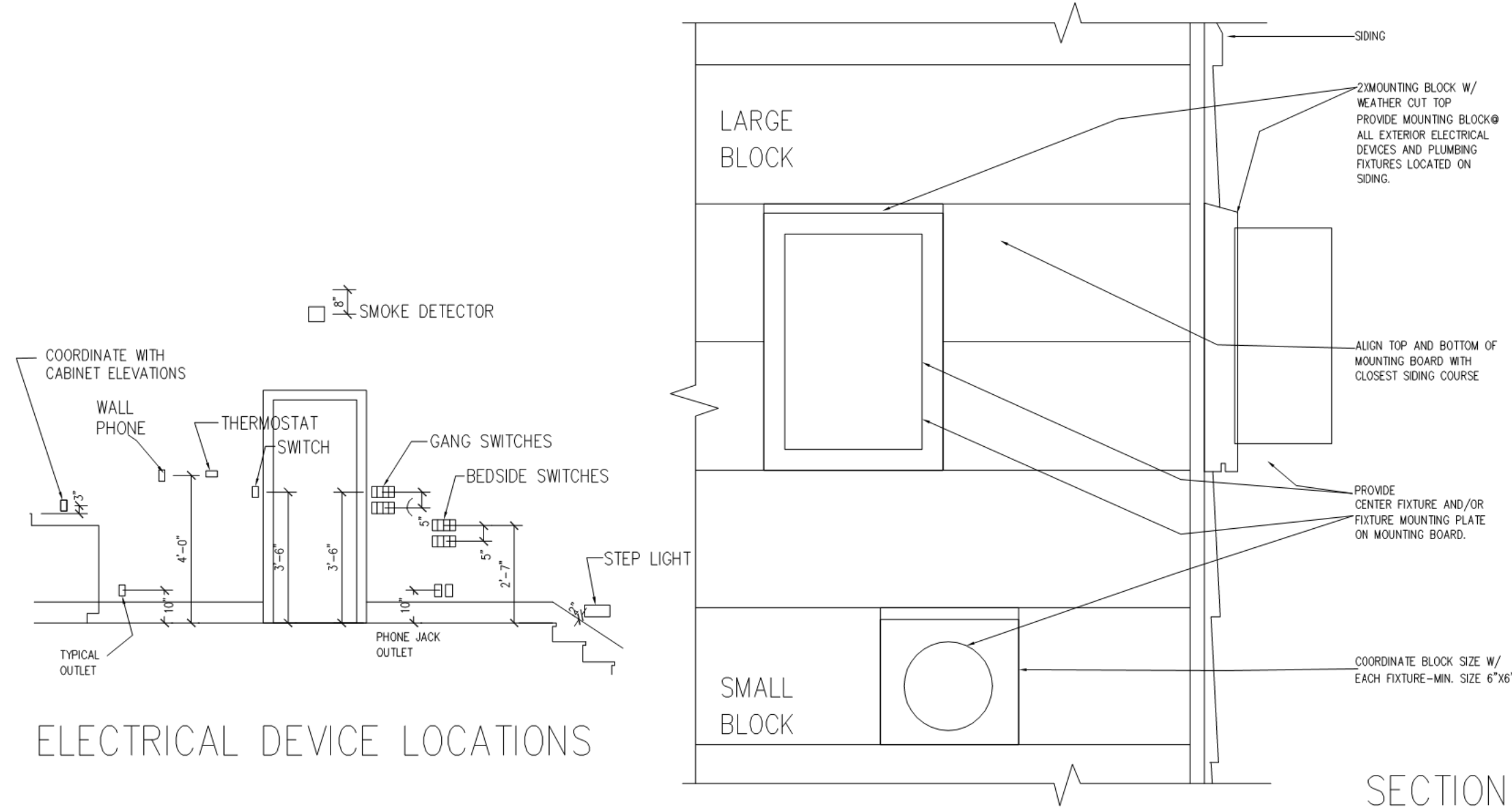
DATE:

6/14/2024

SCALE:

SHEET:

A1.1

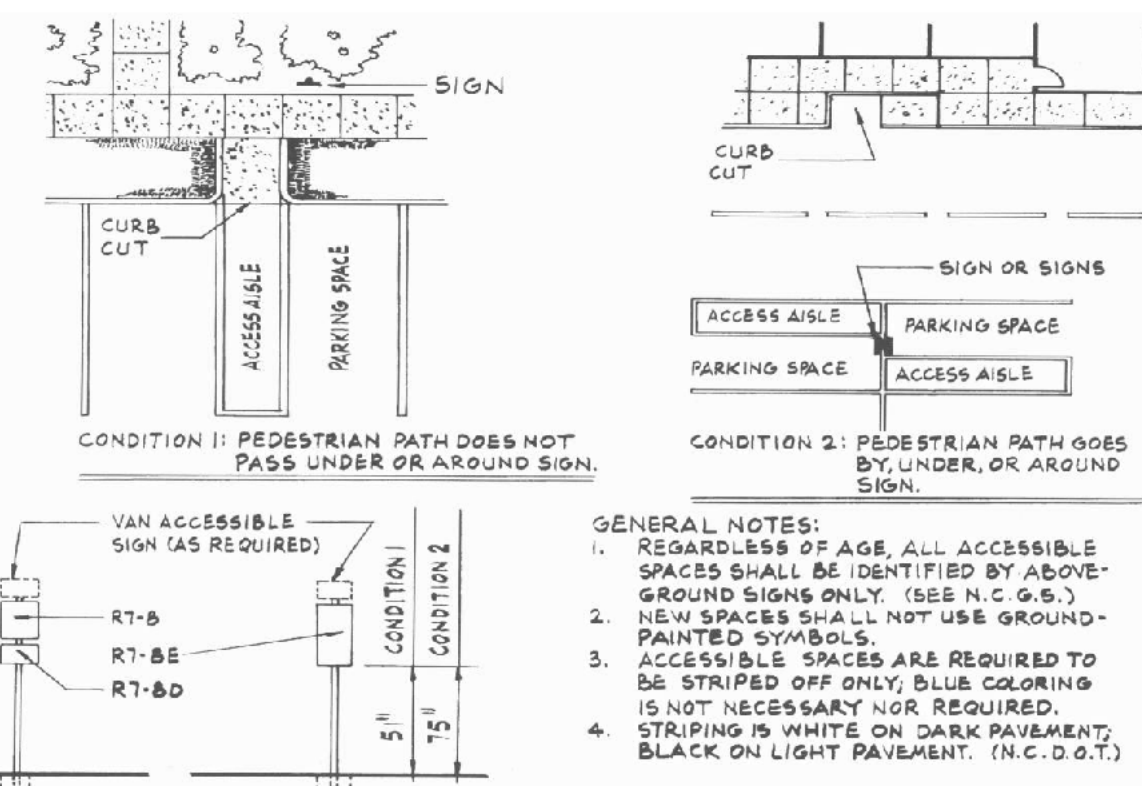
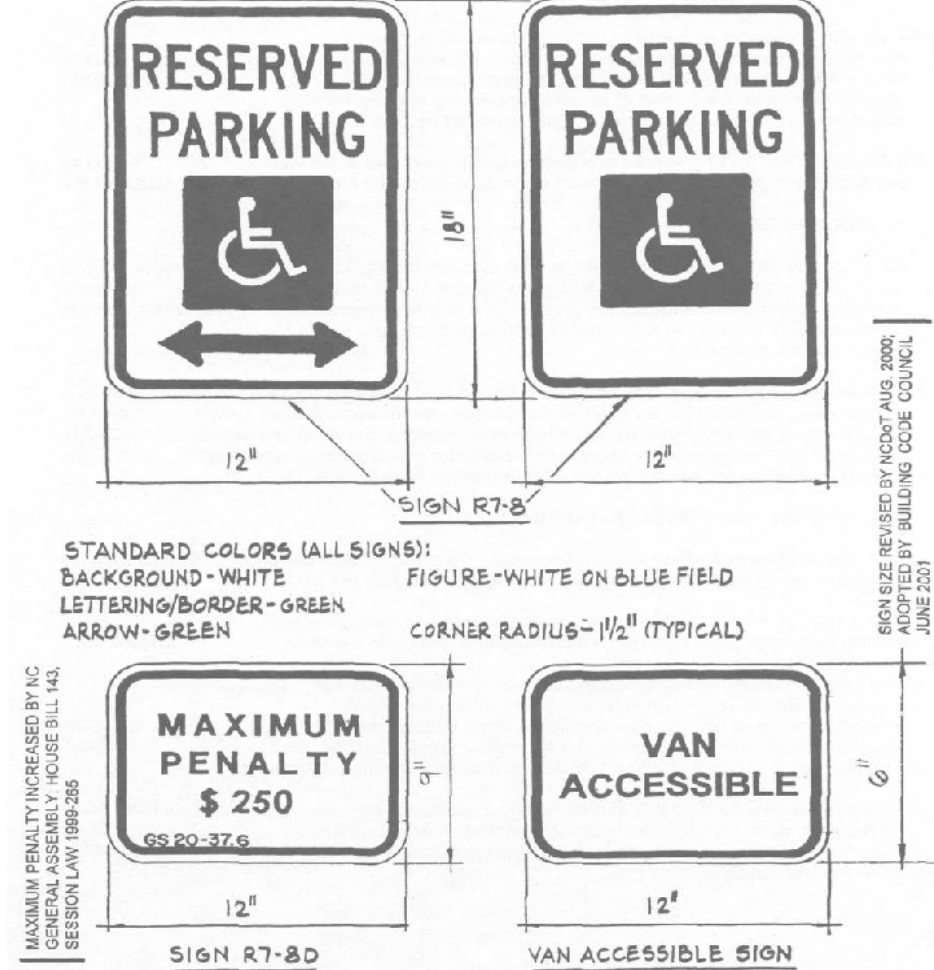
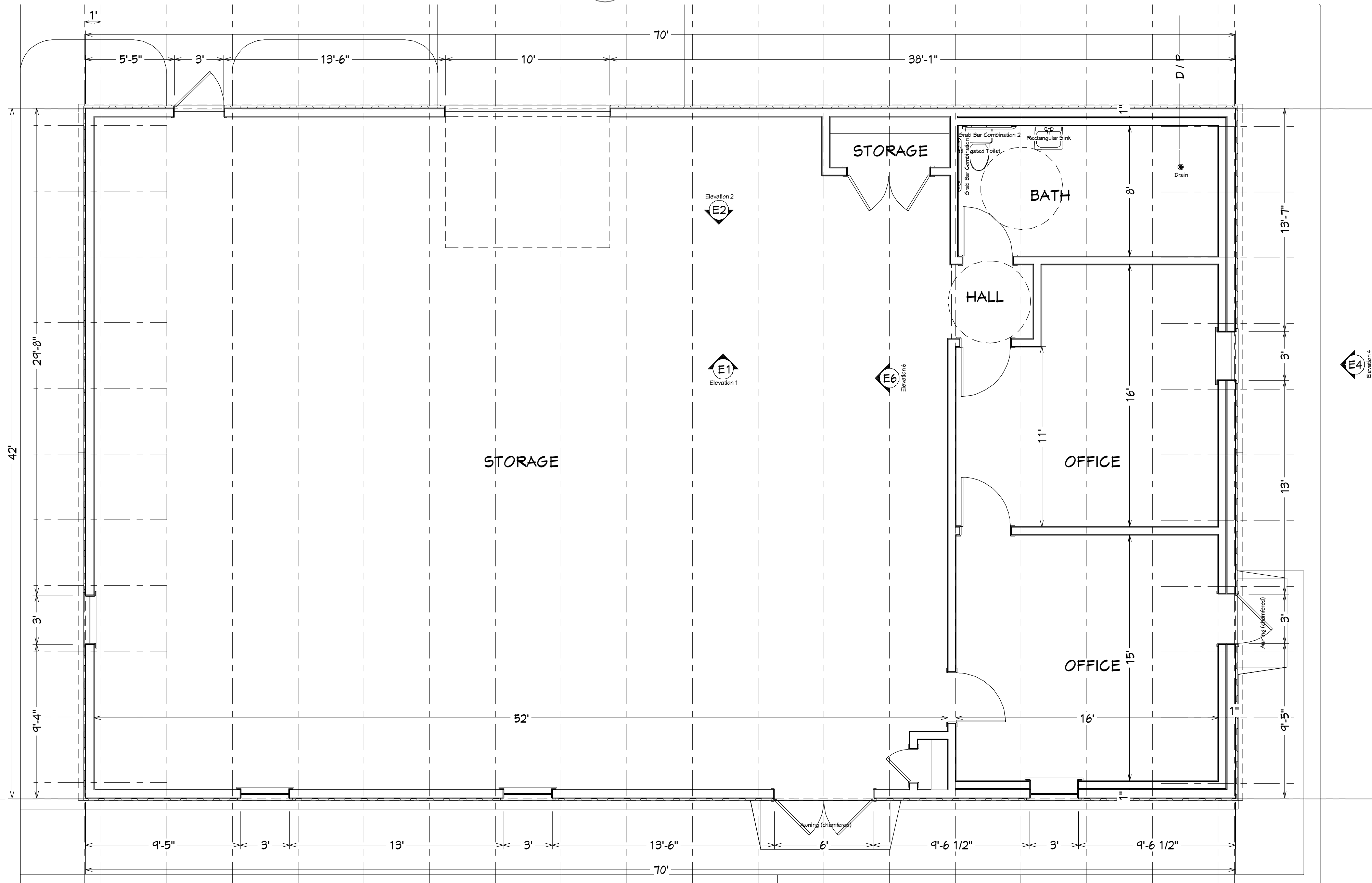
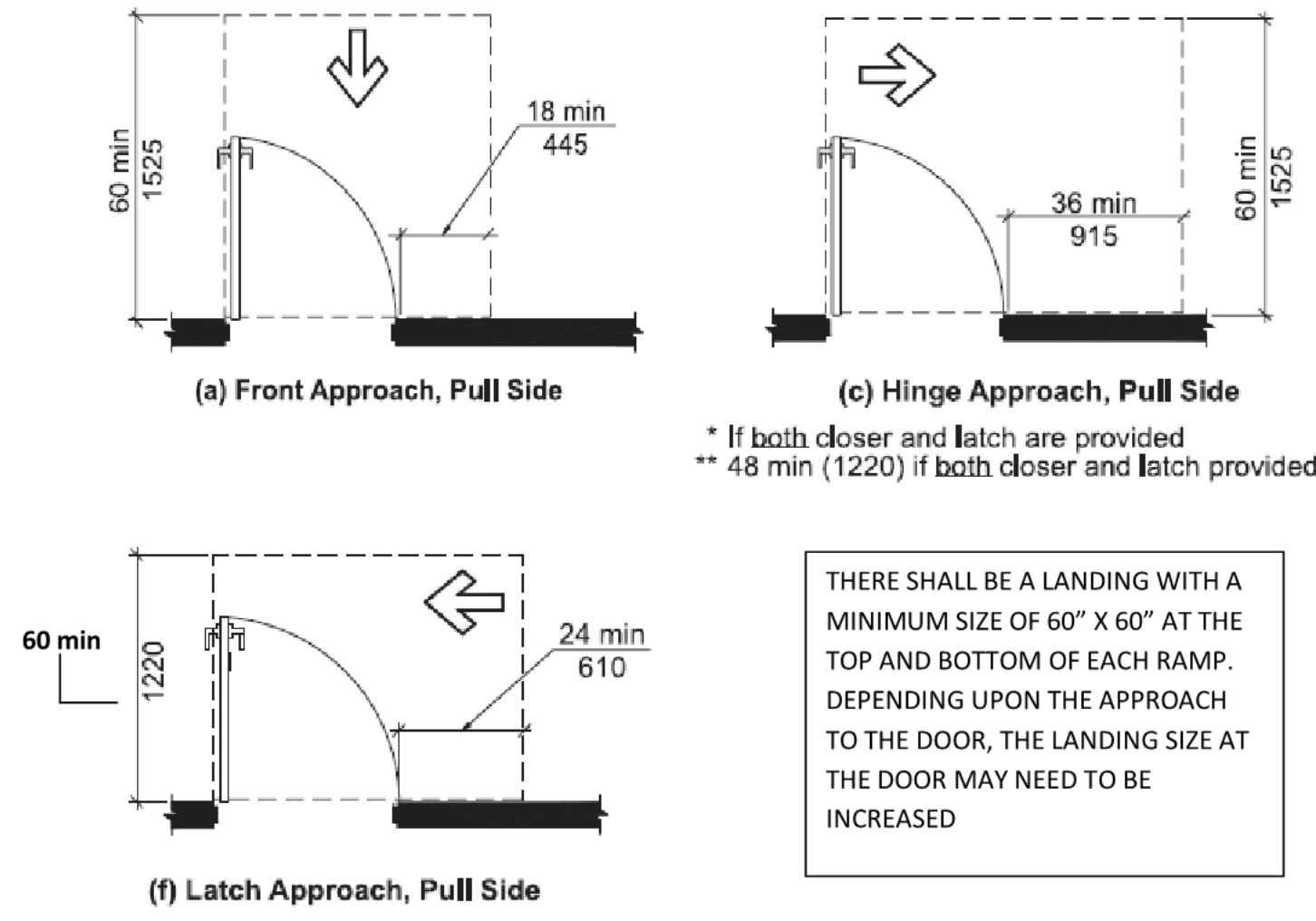


2 MOUNTING BOARD DETAILS
 SCALE: N.T.S.

THE MAXIMUM SLOPE OF A RAMP IS 1/12. (1" RISE FOR 12" HORIZONTAL)

THE MAXIMUM LENGTH OF A RAMP MUST NOT EXCEED 30 FEET

THE RAMP AND LANDING MAY REQUIRE A GUARD RAIL AT 42" IF MORE THAN 30" ABOVE GRADE. ALSO PICKETS SHALL BE INSTALLED TO PREVENT THE PASSAGE OF A 4" SPHERE



REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

PROPOSED STORAGE/
OFFICE
2550 MEMORIAL HWY
KML INVESTMENTS
RUTHERFORD County
LAKE LURE, NC

FOUNDATION PLAN

The American Woodlands
Design Studio
John Pinkston
828-290-0969
www.americanwoodlands.com

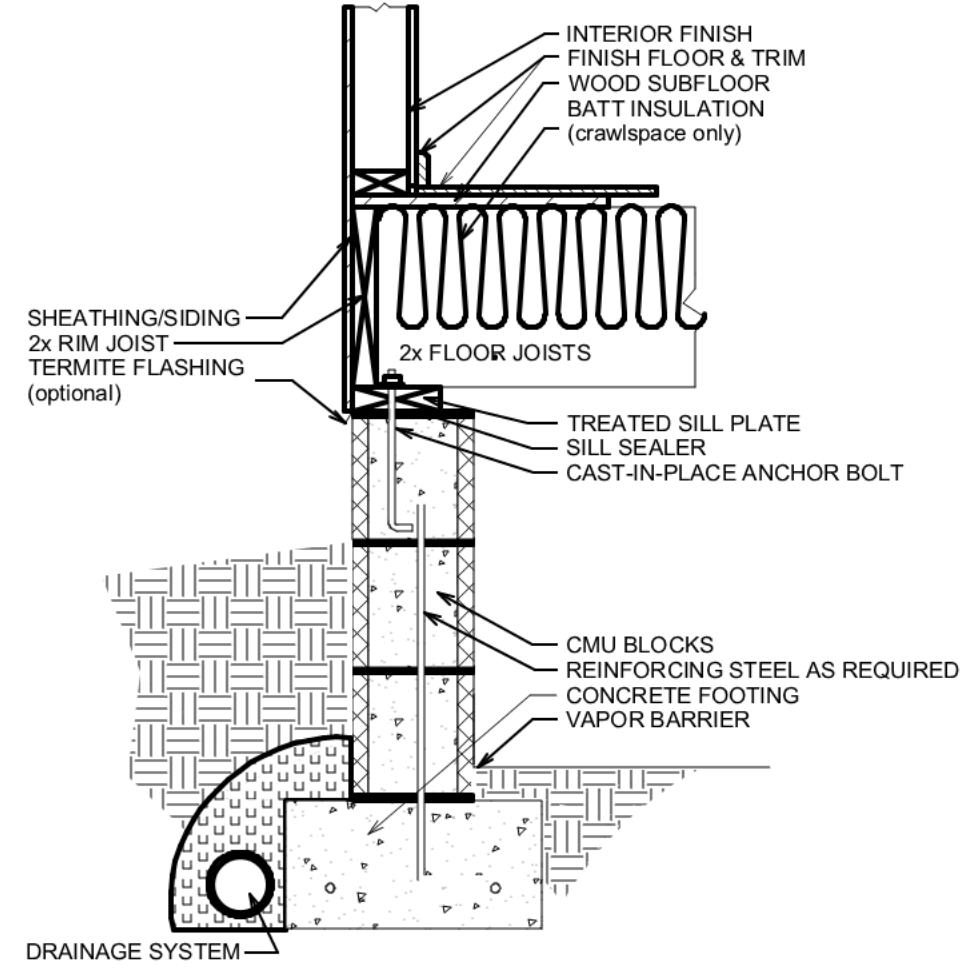
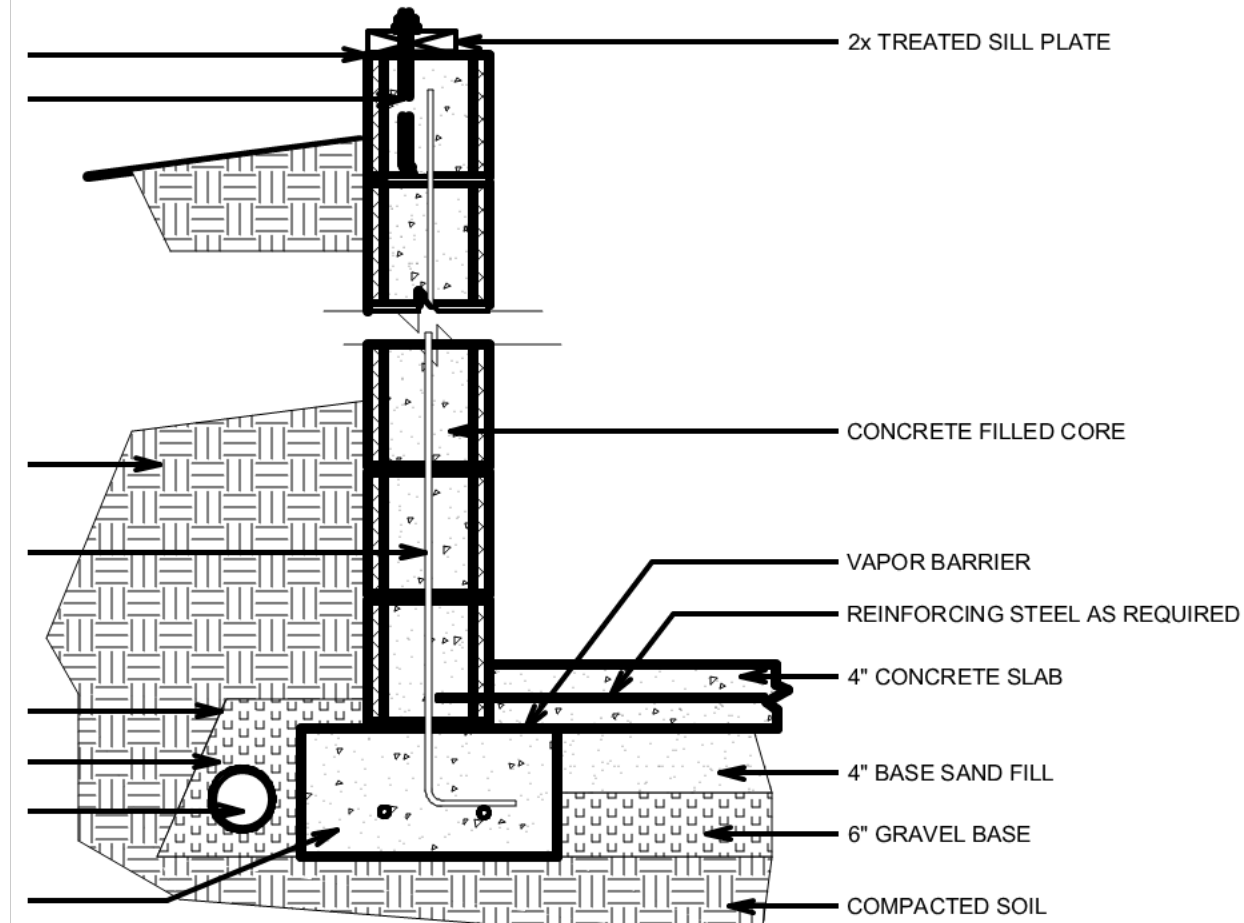
DATE:

6/14/2024

SCALE:

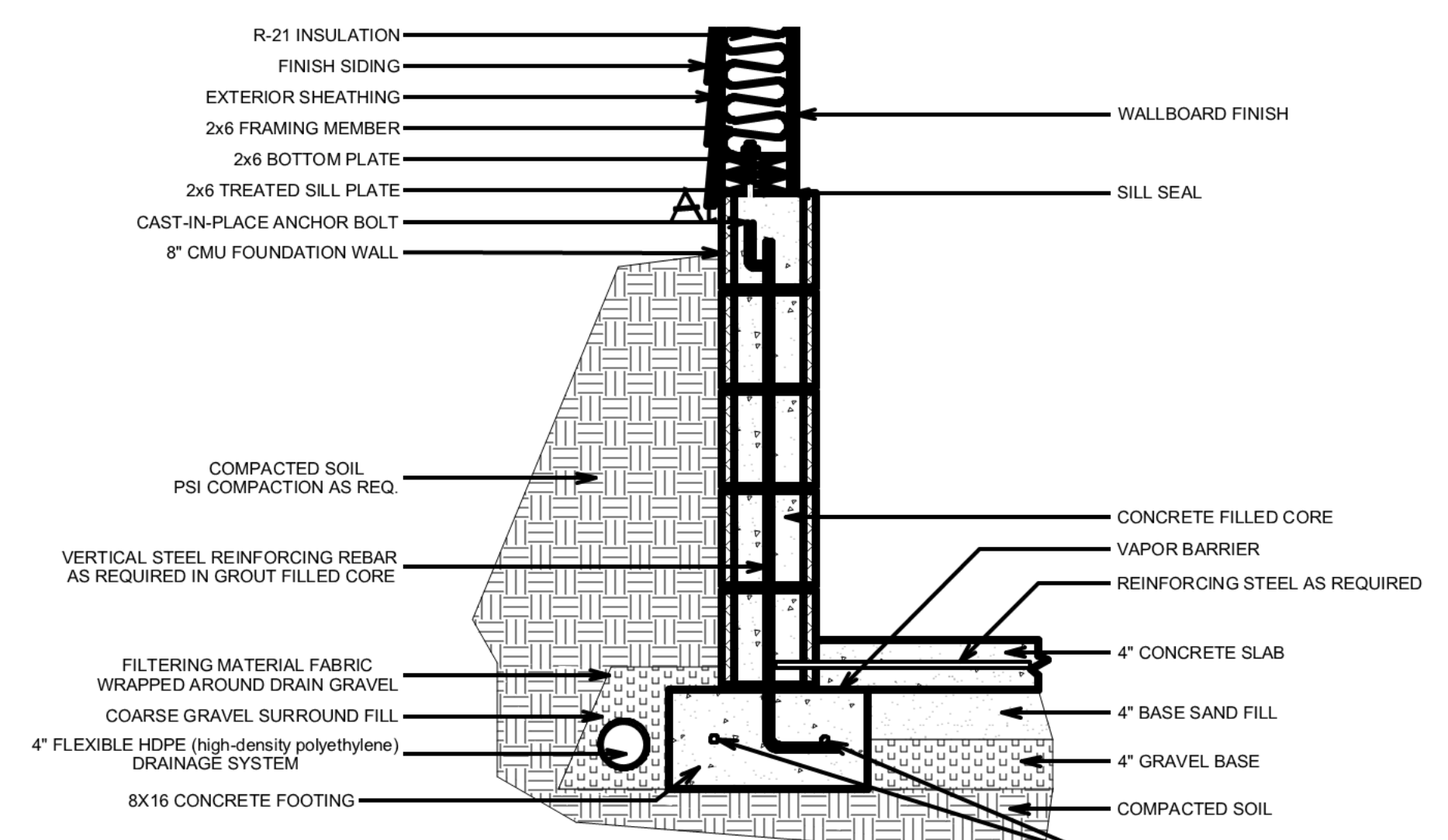
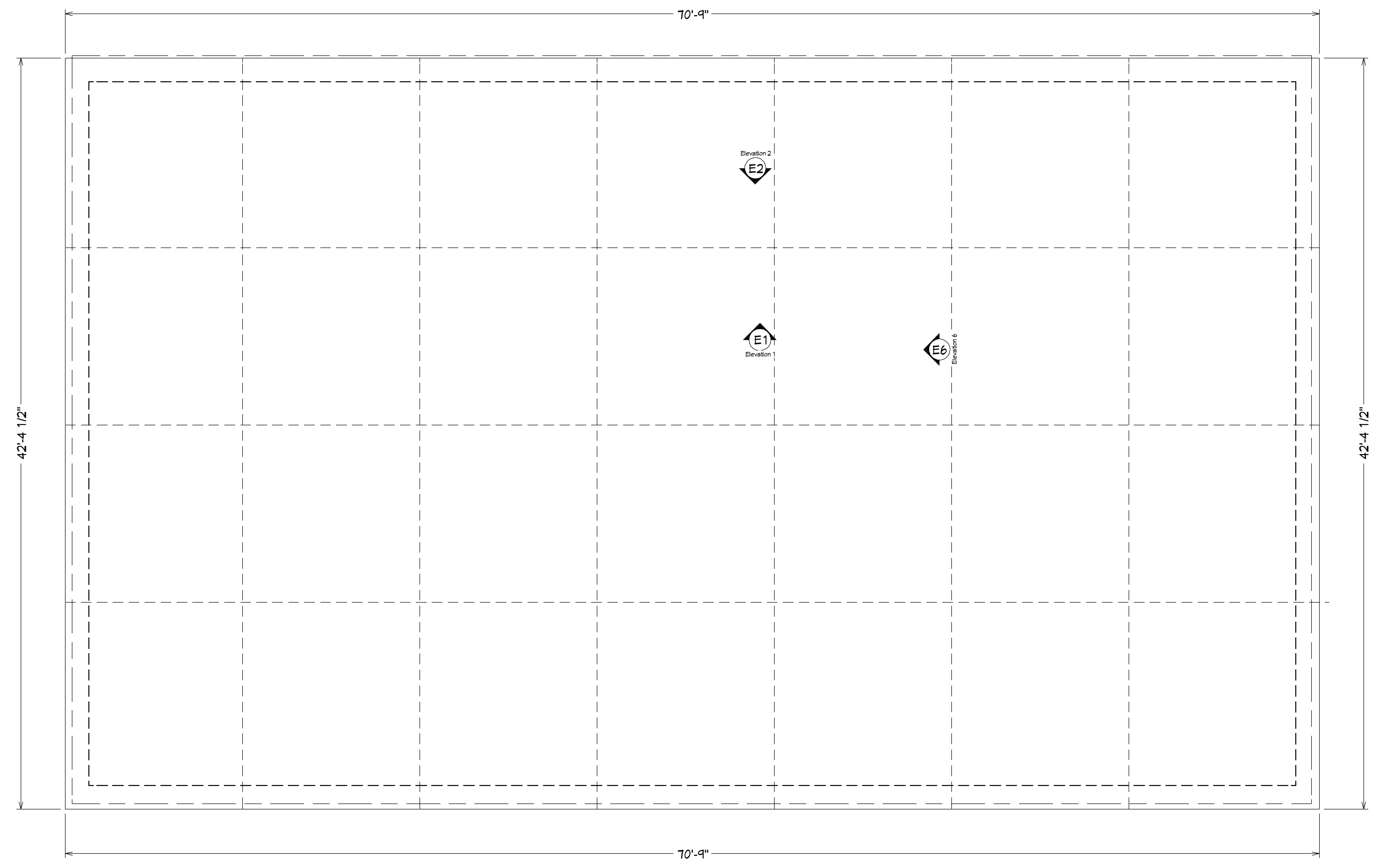
SHEET:

A1.2



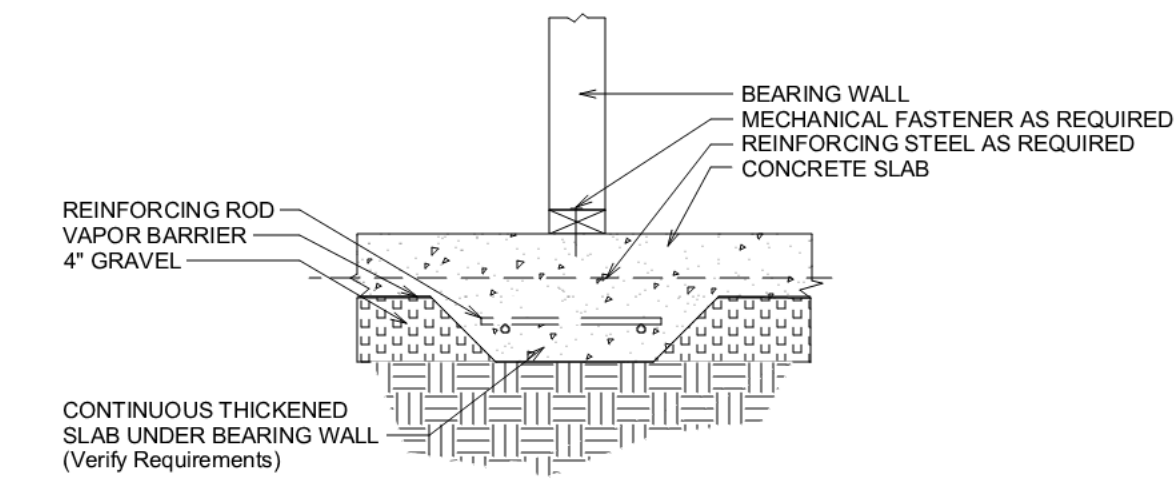
CMU Basement Foundation - L
Scale:

Typical CMU Crawl Space

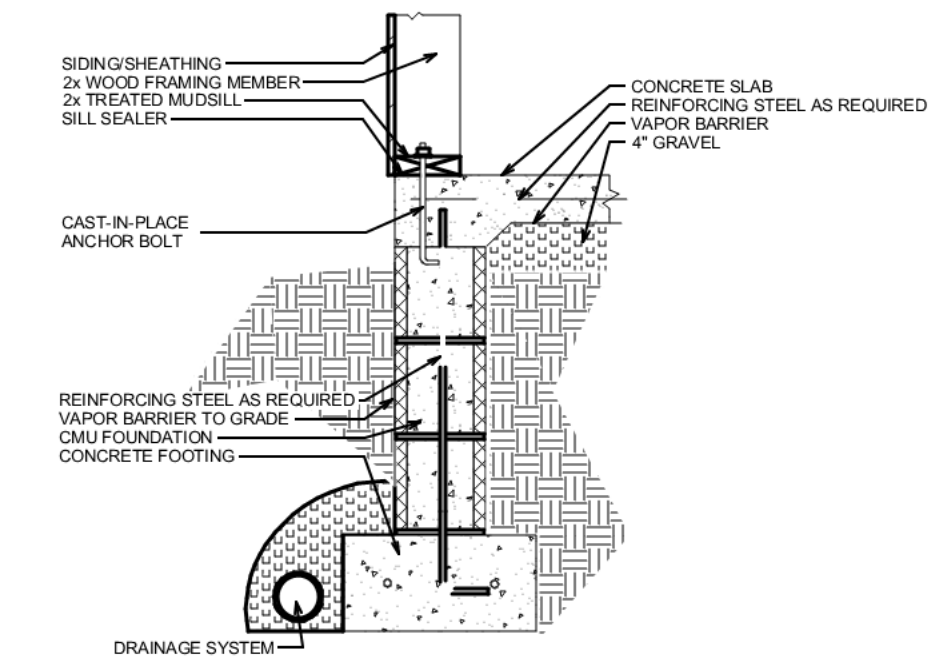


CMU Stem Wall Foundation w/Dowry Wall - L

CMU Stem Wall Foundation w/Dowry Wall - L



Concrete Thickened Slab Footing



Monolithic Slab on CMU Frost Footing

1 FOUNDATION PLAN
A1.2 SCALE: 1/4" = 1'-0"

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

PROPOSED STORAGE/
OFFICE
2550 MEMORIAL HWY
KML INVESTMENTS
RUTHERFORD COUNTY
LAKE LURE, NC

LIFE SAFETY PLAN
ACCESSIBILITY PLAN

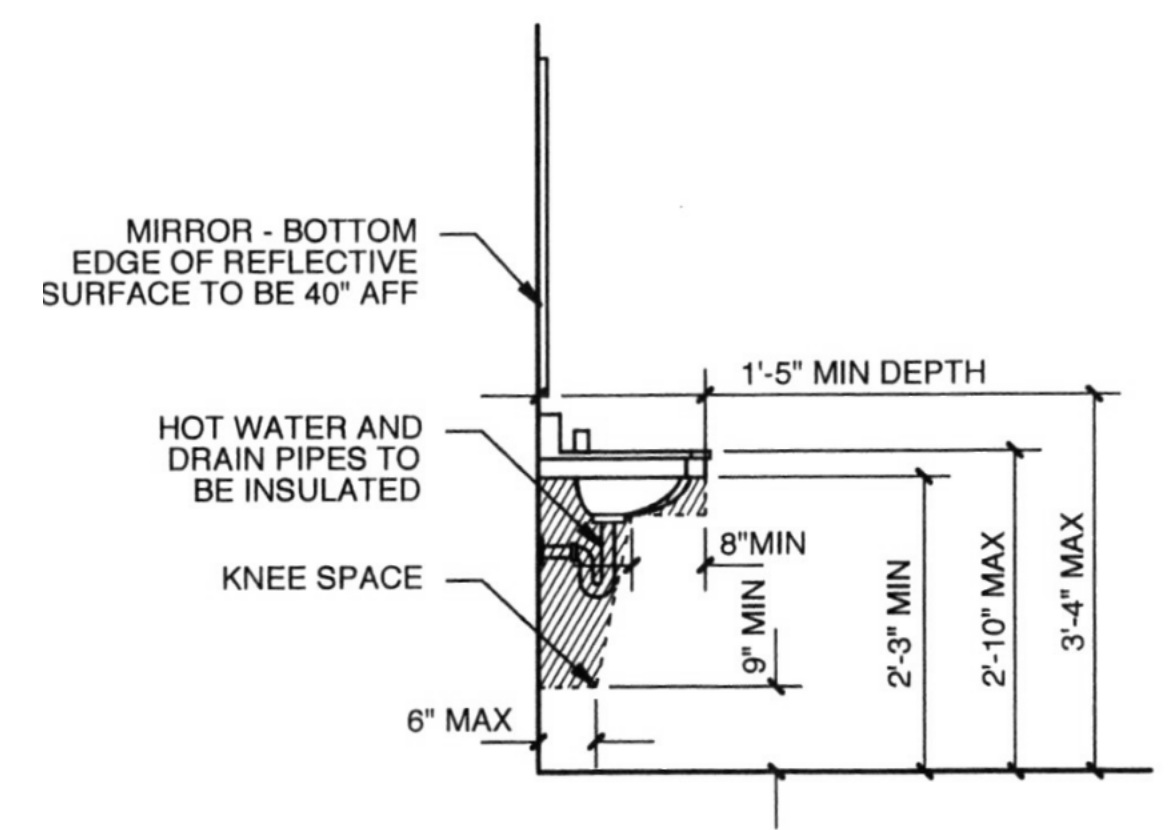
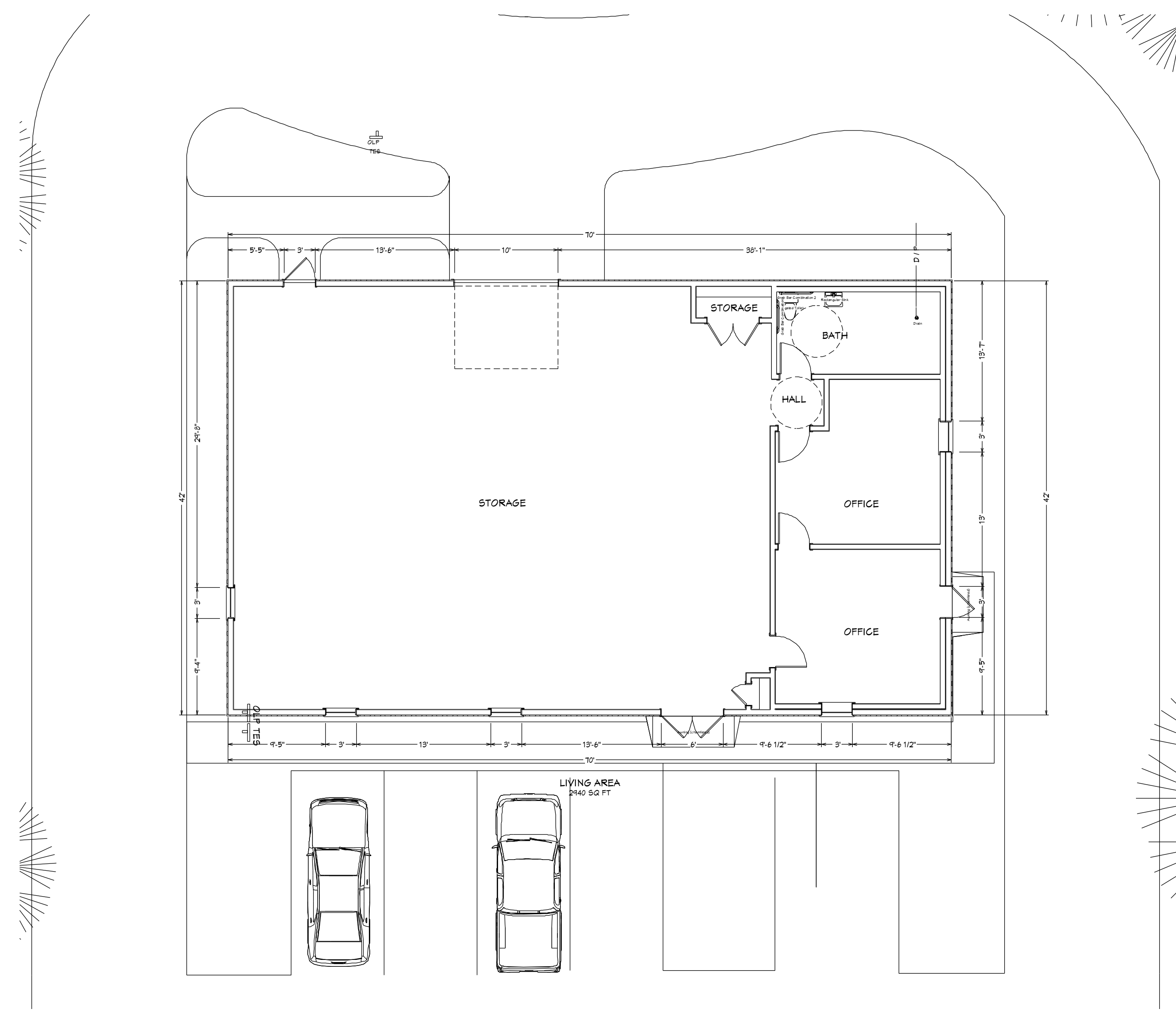
The American Woodlands
Design Studio
John Pinkston
828-290-0969
www.americanwoodlands.com

DATE:
6/14/2024

SCALE:

SHEET:

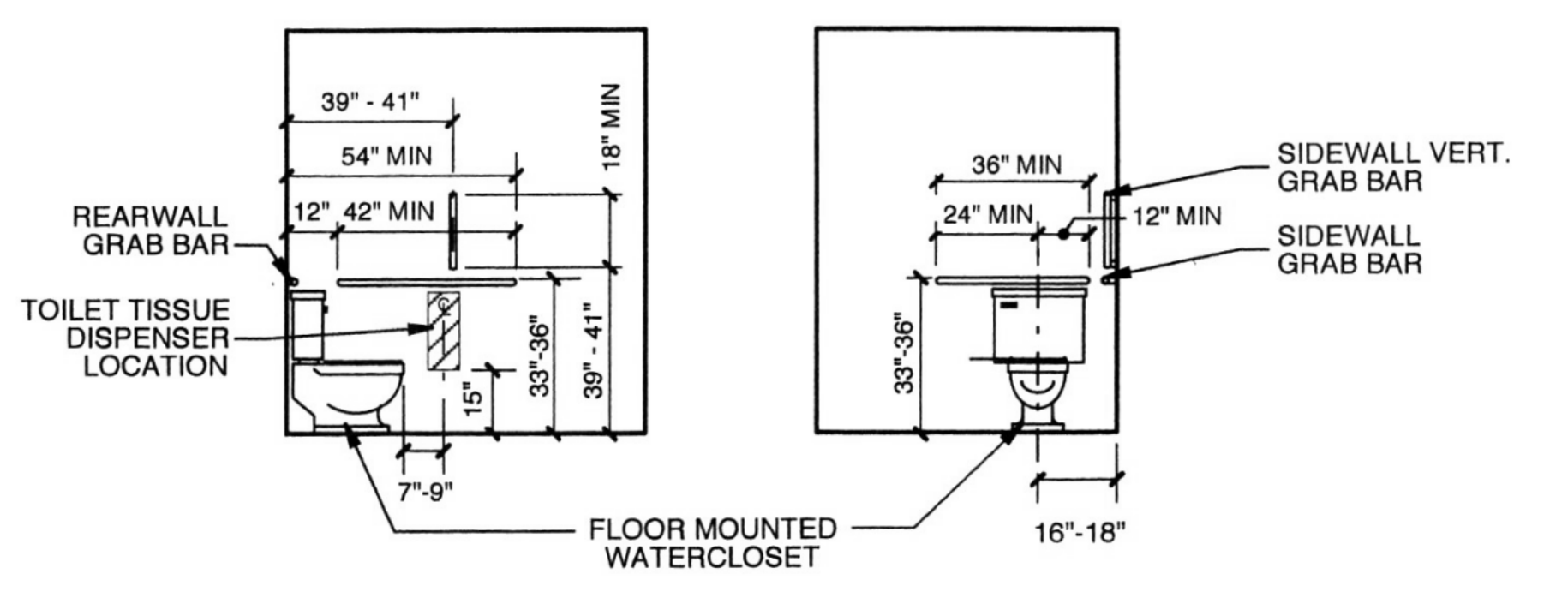
A2.1



1 LIFE SAFETY PLAN MAIN

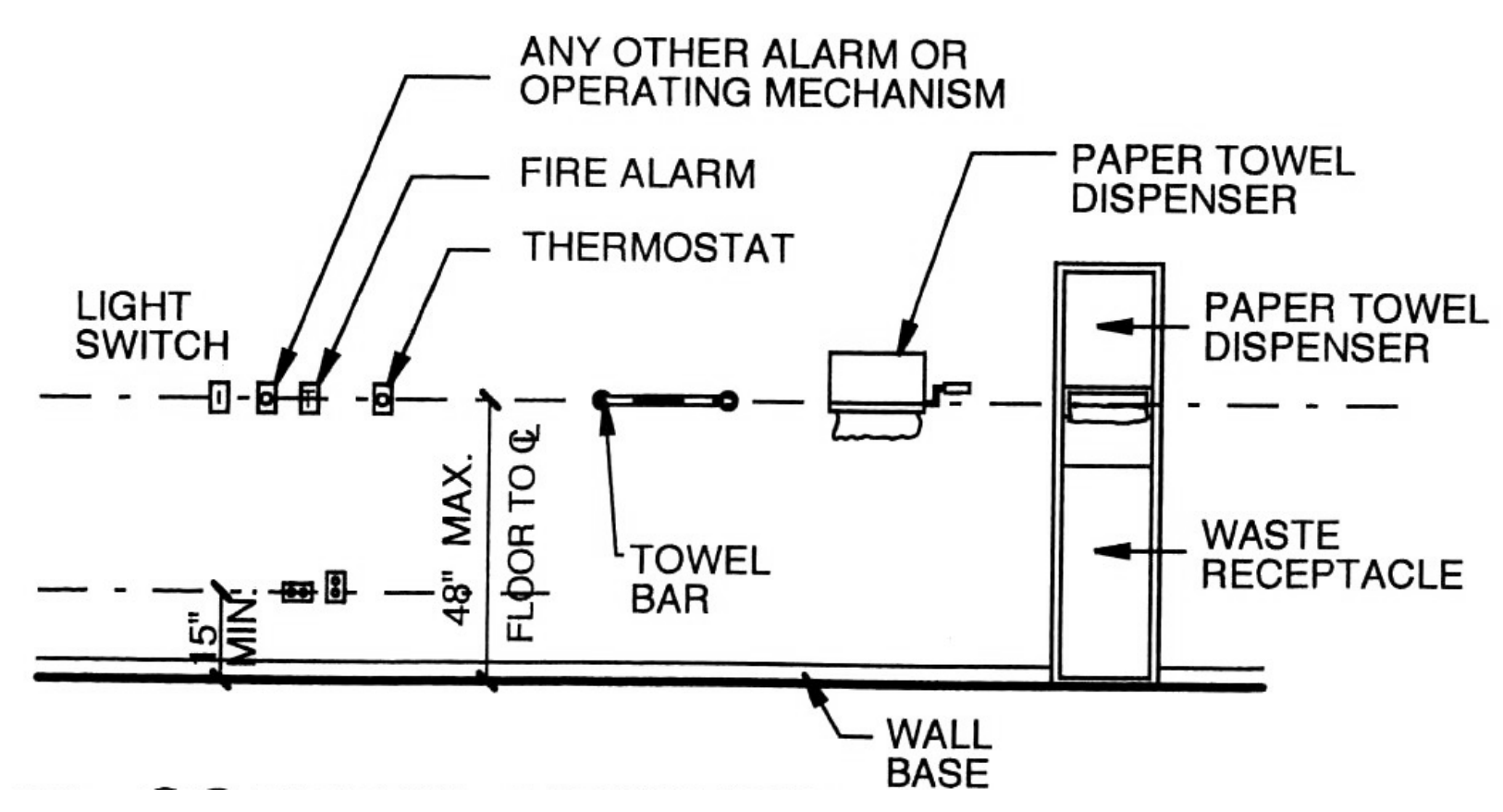
A2.1

SCALE: 1/8" = 1'-0"



6 ELEVATIONS

SCALE: 1/4" = 1'-0"



FIRE EXTINGUISHER SCHEDULE FOOTNOTES:

- HAZARD CLASSIFICATION SHALL BE IN ACCORDANCE WITH SECTION 9 OF THE NORTH CAROLINA FIRE PREVENTION CODE, CHAPTER 5, OF NFPA 10 AND CHAPTER 5 OF NFPA 13.
- SPECIFIED UNITS SHALL BE IN ACCORDANCE WITH SECTION 906 OF THE NORTH CAROLINA FIRE PREVENTION CODE AND CHAPTER 6 OF NFPA 10.
- INSTALLATION HEIGHTS SHALL CONFORM TO NFPA 10, SECTION 6.1.3.8, REQUIRING UNITS OF LESS THAN 40 LBS. TO BE INSTALLED SO THAT THE TOP IS NOT MORE THAN 5' ABOVE FFE.

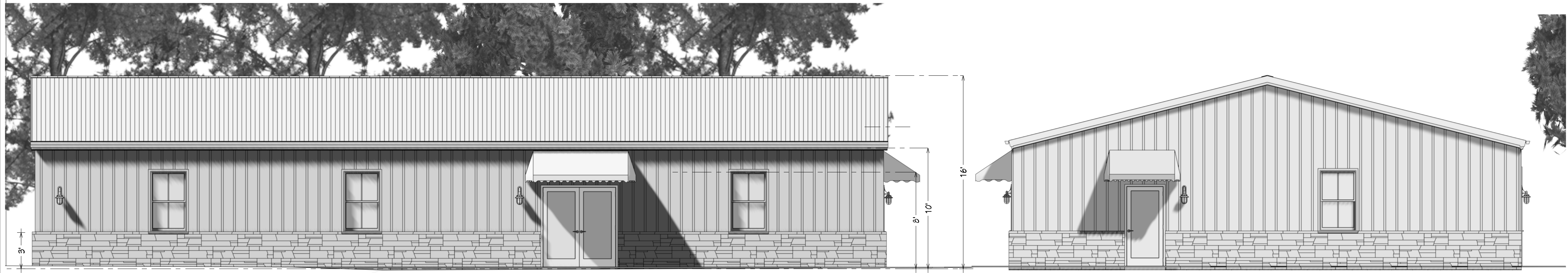
FIRE EXTINGUISHER SCHEDULE					
MARK	OCCUPANCY	OCC. HAZARD CLASS	REQ. MIN. UNIT DESIGN	QTY. REQD.	MAX TRAVEL DISTANCE CLASS A / CLASS B
FE1	STORAGE	LIGHT	2A:10B:C MP CHEMICAL	1	75' / 50'
FE2	STORAGE	LIGHT	2A:10B:C MP CHEMICAL	1	75' / 50'
FE3	STORAGE	LIGHT	2A:10B:C MP CHEMICAL	1	75' / 50'

BUILDING AREA	SF	OCCUP.	OCCUP. LOAD
OFFICE			
STORAGE			
TOTAL			

EXIT CAPACITY
 1. EXITS 1 & 2 ARE IDENTICAL.
 2. CLEAR EXIT WIDTH-2.9' (34.5" PER EXIT).
 3. EXIT CAPACITY (34.5')(1 PERSON / .2')= 82.8 OCCUPANTS PER EXIT.
 4. ACTUAL LOAD- 13/2= 7 OCCUPANTS PER EXIT.

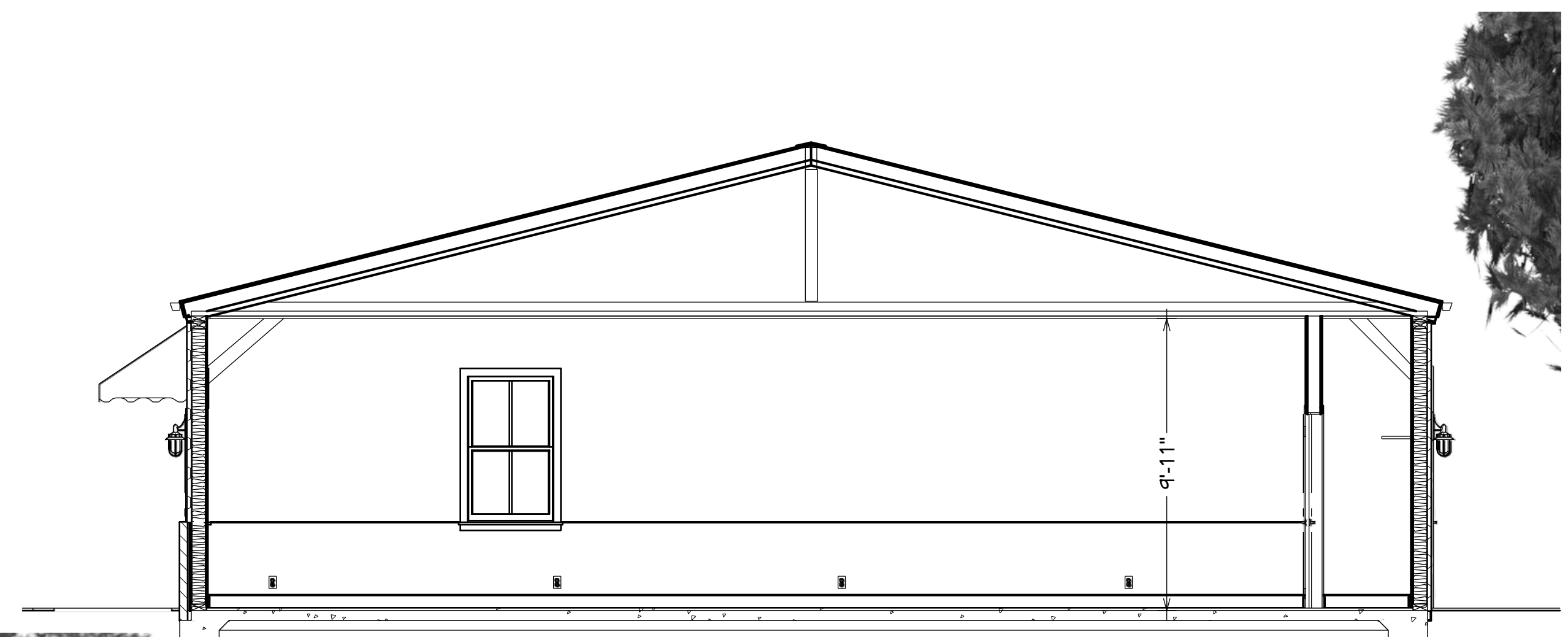
NOTE:
TACTILE EXIT SIGNS SHALL BE PLACED AT ALL EXITS IN ACCORDANCE WITH ICC A11.1

NUMBER	DATE	REVISION BY	DESCRIPTION

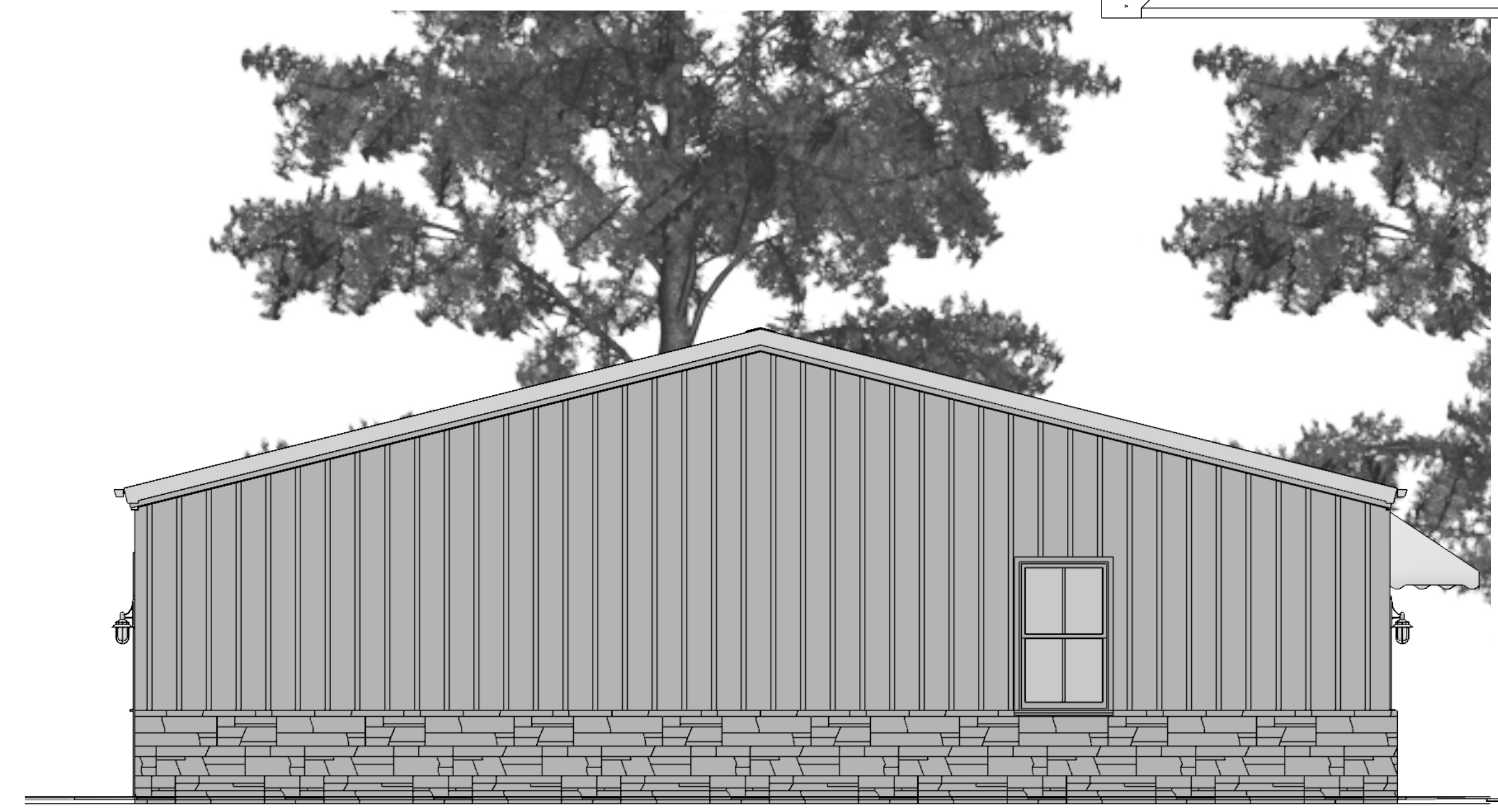


2
A3.1 **FRONT ELEVATION**
SCALE: 1/4" = 1'-0"

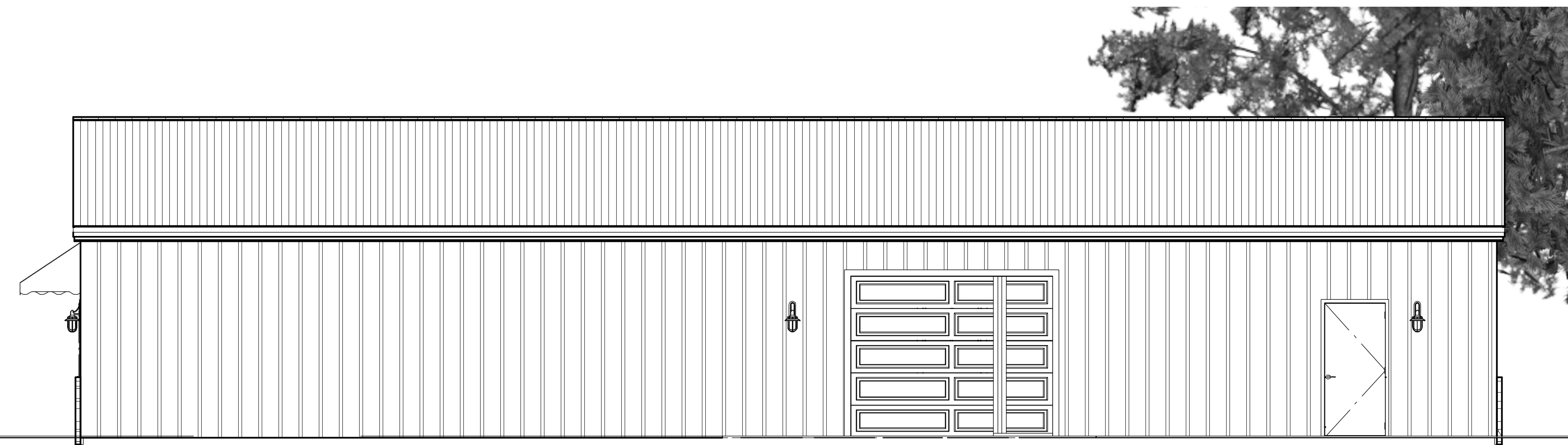
2
A3.1 **RIGHT SIDE ELEVATION**
SCALE: 1/4" = 1'-0"



Elevation 6



3
A3.1 **LEFT SIDE ELEVATION**
SCALE: 1/4" = 1'-0"



4
A3.1 **REAR ELEVATION**
SCALE: 1/4" = 1'-0"

PROPOSED STORAGE/
OFFICE
2550 MEMORIAL HWY
KML INVESTMENTS
RUTHERFORD County
LAKE LURE, NC

EXTERIOR ELEVATIONS

The American Woodlands
Design Studio
John Pinkston
828-290-0969
www.americanwoodlands.com

DATE:
6/14/2024

SCALE:

SHEET:

A3.1

REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

PROPOSED STORAGE/
OFFICE
2550 MEMORIAL HWY
KML INVESTMENTS
RUTHERFORD County
LAKE LURE, NC

SITE LAYOUT

The American Woodlands
Design Studio
John Pinkston
828-290-0969
www.americanwoodlands.com

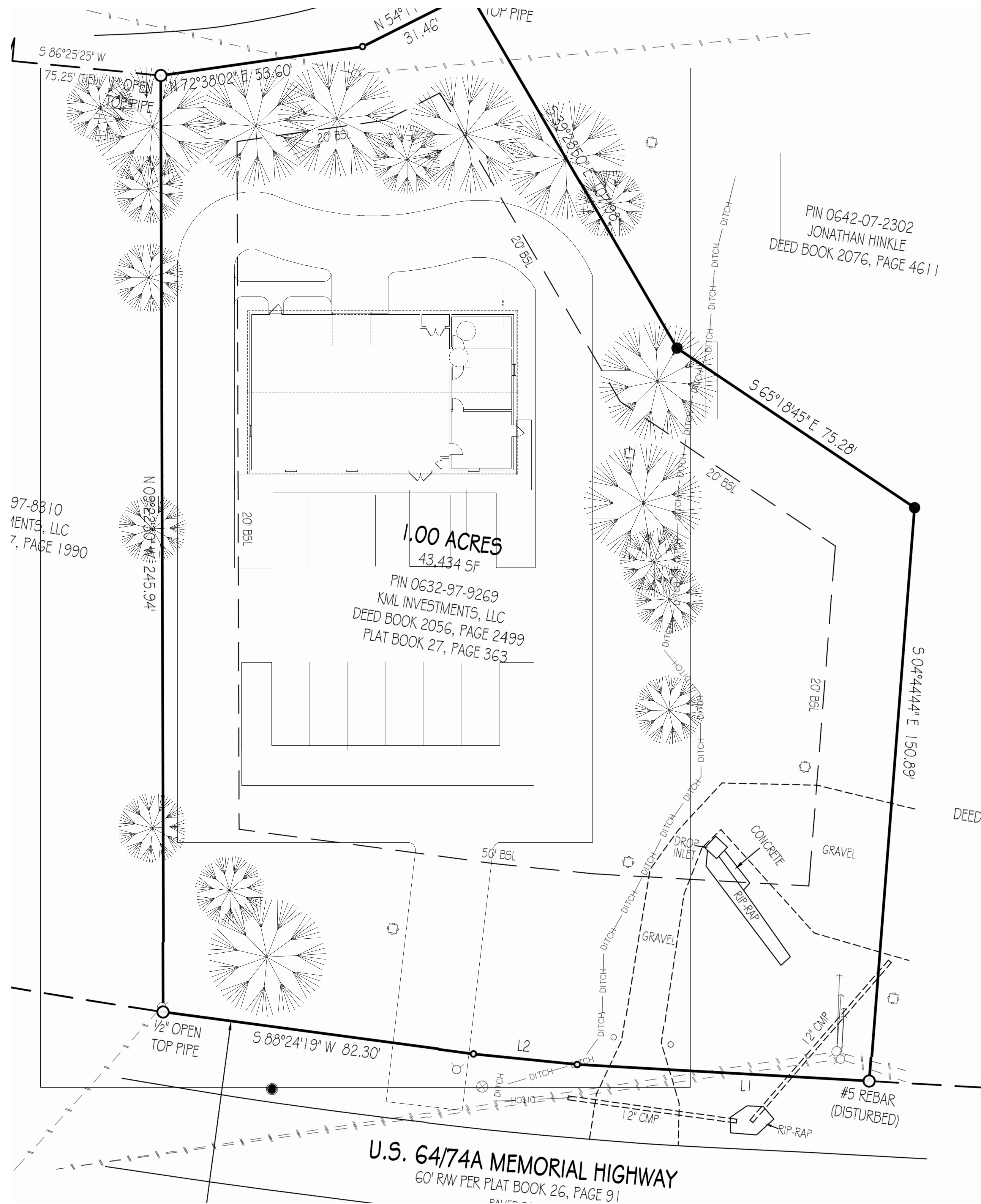
DATE:

6/14/2024

SCALE:

SHEET:

C1.1



1
C1.1 SITE LAYOUT
SCALE: 1"=15'

Sec. 36-102. Special use permit review procedure and application.

- (a) *Sketch plan conference.* Any person seeking to obtain approval of a special use shall submit to the zoning administrator a sketch plan prior to submitting an application for a special use permit. The purpose of submitting the sketch plan is to afford the applicant an opportunity to obtain the advice and assistance of the development review committee in order to facilitate the subsequent preparation and timely approval of the special use permit application. This procedure does not require formal application or fee. Applications must be made by a person with a property interest or a contract to purchase the property.
- (b) *Review procedure.* All special use permit applications and applicable fees shall be delivered to the office of the zoning administrator to be processed for the board of adjustment. Incomplete applications shall be returned to the applicant by the zoning administrator accompanied by a letter outlining the deficiencies found therein.
- (1) *Development review committee.* The zoning administrator shall submit the complete special use permit application to the development review committee for technical review and recommendation within seven days of the date the application was received and found to be complete by the zoning administrator. The development review committee shall review the application and make recommendations to the board of adjustment in addition to the zoning and planning board within 30 days of the date the application was determined to be complete by the zoning administrator.
- (2) *Zoning and planning board.* The complete application, accompanied by the recommendations of the development review committee, shall then be submitted to the zoning and planning board by the zoning administrator for review and recommendation. **The zoning and planning board may consider site treatment, building design, relationship of building to site, harmony of buildings and uses with neighborhood character, landscaping, signs, lights and any other considerations it feels reasonably affect the appearance of the proposed project.** The zoning and planning board shall have 35 days to make its recommendation to the board of adjustment. The 35 days shall begin on the date the zoning and planning board first considers the application at a regularly scheduled meeting. Applications which do not involve the change in the appearance of a building or premises, as determined by the zoning administrator, shall not be required to be reviewed by the zoning and planning board.
- (3) *Board of adjustment.* The board of adjustment shall hold a hearing no later than 65 days from the date the application was reviewed by the development review committee. The board of adjustment shall neither deny nor approve any application solely on the basis of a recommendation from the development review committee or zoning and planning board. The board of adjustment may or may not incorporate the recommendations from the development review committee or zoning and planning board in its decision regarding the special use permit application.
- (c) *Hearing.* Upon receipt of a complete application for a special use permit, the zoning administrator shall assign the application a hearing before the board of adjustment. Hearing shall be quasi-judicial and shall be noticed and conducted in accordance with the provisions of section 36-184. A decision by the board of adjustment shall be made within 45 days of the date the hearing ends.
- (d) *Issuance of special use permit.* The board of adjustment shall grant and issue the special use permit if and only if it finds the following:
- (1) *Application.* **The application is complete,** and the applicant has demonstrated the proposed use complies with all applicable standards of these zoning regulations, including any special requirements in section 36-72.
- (2) *Public safety.* The proposed use will not materially endanger the public safety, if located and developed according to the application as submitted; and satisfactory provision and arrangement has been made for at least the following, where applicable:

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- a. Automotive ingress and egress.
 - b. Traffic flow.
 - c. Traffic control.
 - d. Pedestrian and bicycle ways.
 - e. Lake use (water vessels, watersports, swimming activities, etc.).
 - f. Fire suppression.
- (3) **Public health.** The proposed use will not materially endanger the public health, if located and developed according to the application as submitted; and satisfactory provision and arrangement has been made for at least the following, where applicable:
- a. Water supply.
 - b. Water distribution.
 - c. Sewer collection.
 - d. Sewer treatment.
- (4) **Protection of property values.** The proposed use will not substantially injure the value of adjoining or abutting property, if developed according to the application as submitted; and satisfactory provision and arrangement has been made for at least the following, where applicable:
- a. Lighting.
 - b. Noise.
 - c. Odor.
 - d. Landscaping.
- (5) **Standards and requirements.** The proposed use will meet all standards and requirements specified in the regulations, if located and developed according to the application as submitted; and satisfactory provision and arrangement has been made for at least the following, where applicable:
- a. Parking spaces.
 - b. Loading zones.
 - c. Sign design.
 - d. Street design.
- (6) **Comprehensive plan and neighborhood character compatibility.** The location and character of the proposed use and structures will be in harmony with the neighborhood character and in general conformity with the applicable elements of the land use plan and other officially adopted plans of the town, if developed according to the application as submitted; and satisfactory provision and arrangement has been made for at least the following, where applicable:
- a. Site layout and treatment.
 - b. Building design.
 - c. Relationship of buildings to site.
 - d. Harmony of buildings and uses with neighborhood character.
- (e) **Conditions.** In addition to any other requirements provided by these regulations, the board of adjustment may, in issuing a special use permit, designate additional conditions and requirements in connection with the

application as will, in its opinion, assure that the use in its proposed location will be in harmony with the area in which it is proposed to be located and with the spirit of the regulations. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the ruling issued by the board. All conditions so imposed shall run with the land and shall be binding upon the original applicant, as well as the applicant's heirs, successors, or assigns, during the continuation of the use specially permitted.

- (f) *Expiration of permit.* A special use permit issued in accordance with this article shall expire if a certificate of zoning compliance for such use is not obtained by the applicant within six months from the date of the decision. If, after commencing work under a special use permit and prior to completion of the entire project, work is discontinued for a period of 12 months, the special use permit shall become void, and no work may be performed until a new special permit has been issued. If, after issuance of a certificate of zoning compliance for a special use, and that use is discontinued for a period of 12 months, the special use becomes void, and the use may not be re-established until a new special use permit has been issued. When a special permit expires, the board of adjustment shall treat re-application for a new special use permit in the same manner as any other application, and the provisions of the regulations currently in effect shall be applicable. The permit will be provided in writing or electronic form. If electronic form is used it will be protected from further editing.
- (g) *Construction schedule departure.* All construction approved pursuant to a special use permit shall be completed in accordance with the construction schedule submitted and approved by the board of adjustment. In the event that a significant departure from the construction schedule occurs during a project, the applicant may appear before the board and request an amendment to the special use permit. The board may extend the construction schedule only upon finding that delays in construction have been caused by, or are expected to be caused by, circumstances beyond the control of the applicant. Unless the construction is extended by amendment of the special use permit, failure to complete construction within the approved time shall be considered a violation of the special use permit.
- (h) *Voidance of permit.* In the event of failure to comply strictly with the plans, documents, and other assurances submitted and approved with the application, or in the event of failure to comply with any conditions imposed upon the special use permit as provided in subsection (d) of this section, the permit shall immediately become void.
- (i) *Periodic inspections.* The zoning administrator shall make periodic inspections during construction as well as a final inspection after construction is complete to determine whether the conditions imposed and agreements made in the issuance of the permit have been met as well as whether all other requirements of this chapter have been met. The zoning administrator shall report his findings to the board of adjustment. If, at any time after a special use permit has been issued, the board of adjustment determines that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the operation of such use discontinued. If a special permit is terminated for any reason, it may be reinstated only after reapplying for a special permit. The board of adjustment shall treat re-applications for a new special use permit in the same manner as any other application, and the provisions of the regulations currently in effect shall be applicable.

(Code 1989, § 92.046; Ord. of 11-15-2005; Ord. of 10-9-2012; Ord. No. 21-05-11, 5-11-2021)

Sec. 36-103. Application.

All applications for a special use permit shall precede any application for a certificate of zoning compliance and shall be submitted on the proper form obtainable from the zoning administrator. The application shall include a development plan/site plan, building elevations, floor plans, landscape plan, lighting plan, sign drawings, construction schedule, and a description of the use. It should be noted that due to severe topographic conditions,

sensitive natural areas, or soils that do not easily support soil drainage systems, some land may be unsuited to some land clearing or land disturbance projects that may be proposed.

- (1) **Development plan/site plan.** This plan shall be drawn to a scale sufficient to clearly indicate the following:
 - a. The site conditions and characteristics, before and after the proposed land clearing, land disturbance and/or construction, including contours, watercourses, flood hazard areas, and any sensitive natural areas or unique manmade features.
 - b. All boundary lines of the proposed development, proposed lot lines and plot designs.
 - c. The location and use of all existing and proposed structures.
 - d. The location and size of all areas to be conveyed, dedicated or reserved as common open spaces, parks, recreational areas, school sites and similar public or semi-public uses.
 - e. The existing and proposed street system, including location and number of off-street parking spaces, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership of the street system (public or private).
 - f. The approximate location of proposed water and sewer/septic systems, as well as septic test results from the county.
 - g. The areas to be graded showing corresponding sedimentation and erosion control devices, retaining walls, and provisions for stormwater drainage during construction and after construction. See also section 36-234.
 - h. The location and/or notation of existing and proposed easements and rights-of-way.
 - i. The proposed treatment of the perimeter of the development, including materials and/or techniques such as screens, fences, buffers, berms, and walls.
 - j. Information on adjacent land areas, including land use, zoning classifications, public facilities, any unique natural features, and historic features.
 - k. The zoning districts in which the project is located.
 - l. A legal description of the total site proposed for development, including a statement of present and proposed ownership.
 - m. Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, and total amount of open space.
 - n. A statement of the applicant's intentions with regard to the future selling, leasing, and/or renting of all or portions of the development.
 - o. A written description for maintenance of common areas, recreation areas, open spaces, streets and utilities.
- (2) **Building elevations.** These shall be drawn to scale and show building height and exterior treatment on all sides of the building. The front elevation shall be fully colored with proposed color selections and all materials noted and identified. Paint samples shall be included. Elevations shall be required of all other sides if color, materials, and design are substantially different from the front elevation.
- (3) **Floor plans.** These shall be drawn to scale a scale not less than one-eighth inch to one foot and show all features and details such as gross floor area, net floor area, number of seats, storage areas, or any other applicable information.

-
- (4) **Landscape plan.** This shall be drawn to scale and show species, quantity, size, and location of plantings, as well as hardscape features such as walls, fountains, and waterfalls.
 - (5) **Lighting plan.** This shall be drawn to scale and show type, quantity, height, intensity, coverage area, type of light source, duration of use, and impact on adjacent property and streets as certified by an electrical engineer or lighting professional with lighting certified credentials.
 - (6) **Sign drawings.** This shall be drawn to scale and show the size, type, and location of any signs proposed to be erected in conjunction with the use. Method, source, and intensity of illumination shall also be included on these drawings and appropriate documentation verifying specifications provided.
 - (7) **Construction schedule.** This shall be a complete construction schedule, including date the construction is expected to begin and end.
 - (8) **Description of use.** This shall be a complete and detailed written description of the uses proposed.
 - (9) **Additional information.** Any additional information required by the board of adjustment in order to evaluate the impact of the proposed development [may be required]. The board of adjustment may waive a particular requirement if in its opinion the inclusion is not essential to a proper decision of the project.
 - (10) **Written documentation.** Where applicable, the following written documentation shall be submitted:
 - a. A legal description of the total site proposed for development, including a statement of present and proposed ownership.
 - b. The zoning districts in which the project is located.
 - c. A land clearing, land disturbance and/or development schedule indicating approximate beginning and completion dates, including any proposed milestones or stages of completion.
 - d. A statement of the applicant's intentions with regard to the future selling and/or leasing of all or portions of the development.
 - e. Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, and total amount of open space.
 - f. Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.

(Code 1989, § 92.047; Ord. of 1-22-1991; Ord. of 11-15-2005; Ord. of 6-10-2008; Ord. No. 21-05-11, 5-11-2021)